

Broadcasting Act 1989

[69 Interpretation

(1) In this Part of this Act, unless the context otherwise requires,—

[[by-election means a by-election within the meaning of section 3(1) of the Electoral Act 1993]]

Candidate has the meaning given to that term by section 3 of the Electoral Act 1993:

Constituency candidate has the meaning given to that term by section 3 of the Electoral Act 1993:

[[election—

- (a) means a general election; and
- (b) includes, in sections 70, 79, 79A, 79C, and 80, a by-election]]

Election period, in relation to an election, means the period—

- (a) Beginning with writ day; and
- (b) Ending with the close of the day preceding polling day:

Election programme means, subject to subsection (2) of this section, 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; or
- (b) Encourages or persuades or appears to encourage or persuade voters not to vote for a political party or the election of any person at an election; or
- (c) Advocates support for a candidate or for a political party; or
- (d) Opposes a candidate or a political party; or
- (e) Notifies meetings held or to be held in connection with an election:

Electoral Commission means the Electoral Commission established under section 4 of the Electoral Act 1993:

Free-to-air television broadcasting means broadcasting of television programmes by means of radio waves propagated in space without artificial guide, where persons wishing to view programmes are not required to pay to do so:

General election means a general election within the meaning of the Electoral Act 1993:

Production costs, in relation to an opening address or a closing address, includes the costs of linking between venues and broadcasting studios:

Register and **Register of Political Parties** means the Register of Political Parties established under section 2(2) of the Electoral Act 1993.

[[RNZ means Radio New Zealand Limited]]

[[TVNZ means Television New Zealand Limited.]]

(2) Notwithstanding section 2 of this Act, for the purposes of the definition of the term "election programme", the term "programme" includes visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text.]

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Prohibition on paid election programmes

Except as provided in [[subsections (2) and (2A)]] of this section, no broadcaster shall permit the broadcasting, within or outside an election period, of an election programme.

(2) Nothing in subsection (1) of this section applies in respect of—

- [[(a) an opening address or closing address that is broadcast—
 - (i) for a political party or group of related political parties; and
 - (ii) by TVNZ or RNZ during time allocated to that political party or group of related political parties under section 73(1); or]]
 - (b) An election programme broadcast for a political party or group of related political parties and paid for with money allocated to that political party or group of related political parties under section 74A of this Act; or
 - (c) An election programme—
 - (i) Broadcast for a fee or other consideration; and
 - [[(ii) relating solely to 1 named constituency candidate at an election; and]]
 - (iii) Used or appearing to be used to promote or procure the election of the

- candidate; and
- (iv) Broadcast by the candidate or with the candidate's authority within the [[election period]]; or
- [[(d) Any advertisement placed by the Electoral Commission or by the Chief Registrar of Electors, ... a Registrar of Electors, a Returning Officer, or other official for the purposes of the Electoral Act 1993; or]]
- (e) Any non-partisan advertisement broadcast, as a community service, by the broadcaster.
- [[(2A) Nothing in subsection (1) of this section restricts the amount of money that a political party or group of related political parties may spend on the production costs of an election programme.]]
- [[(2B) Nothing in this Act derogates from section 214B of the Electoral Act 1993.]]
- (3) Nothing in subsection (1) of this section restricts the broadcasting, in relation to an election, of news or of comments or of current affairs programmes.
- [[(4) For the purposes of subsection (2)(c)(ii), the term **constituency candidate** includes a person who has declared his or her intention of becoming a constituency candidate.]]

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[80 Offences

Every person commits an offence and is liable on summary conviction to a fine not exceeding \$100,000 who—

- (a) Fails to comply with section 70 or section 77(1) or section 79A or section 79B or section 79C of this Act; or
- (b) In an election period,—
 - (i) Broadcasts an election programme for or on behalf of a political party; or
 - (ii) Arranges for the broadcasting of an election programme for or on behalf of a political party—

other than pursuant to, and in conformity with, this Part of this Act.]

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[80A Duty to report suspected offences

Where the Electoral Commission believes that any person has committed an offence against section 80, the Electoral Commission must report to the police the facts upon which that belief is based.]

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Kristina Temel

From: (]
Sent: Tuesday, 27 March 2012 10:14 p.m.
To: Kristina Temel
Subject: Out of office

Hi Kristina

Just letting you know I am away overseas on leave from 28 March - 22 April inclusive. Back in the office on Monday 23rd April. If you have any Election Offending referrals over that period can you still address the referral to me, but send the package to [redacted], National Criminal Investigations Group, PNHQ, 180 Molesworth Street, Wellington.

[redacted] will log them for me and alert the National Crime Manager, if any have short prosecution limits during my absence of 3 & a bit weeks.

I have completed the Radio live/ PMs Hour file and submitted it last Friday. I was hoping it would have been back by now from our approval process but it isn't as at the sending of this email.

I have asked [redacted] to make sure that you are advised as soon as it's back of the result.

Our media Section will be doing a media release soon after you have been advised, as once Radiolive are advised it will be out there no doubt.

Other referrals are progressing and or almost completed, just need to have a clear patch on my return to write them up for approval.

Regards

Detective Senior Sergeant
Acting Manager: Investigations Support

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WARNING

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Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately

Kristina Temel

From: _____
Sent: Wednesday, 22 February 2012 3:46 p.m.
To: Kristina Temel
Subject: Referrals - Broadcasting Act

Kristina

I have received the Radio Network/United Future file earlier today. Or file number 120222/6397

Previous file for RadioLive's PM's Hour file number is 120222/6328

As Broadcasting Act offences have 6 month time limit, both above enquiries will lead to some of the other Election Act offence files out of necessity.

FYI I am on leave from this afternoon - Wednesday next week inclusive. Back in the office on Thursday 1 March.

Will catch up with other matters on my return.

Regards

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RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Natalie McNaught

From: Kristina Temel
Sent: Wednesday, 4 April 2012 5:55 p.m.
To: Natalie McNaught
Subject: FW: Out of office

From:
Sent: Wednesday, 28 March 2012 9:11 a.m.
To: Kristina Temel
Subject: RE: Out of office

Thanks Kristina - am pleased all seems to be in order at this stage - was starting to have a panic on when sent me the email.

I have your details so as soon as there is a decision on the PMs hour file I (or someone) will let you know.

Kind regards

New Zealand Police
National Crime Investigation Group
MA to National Crime Manager
Level 2, 180 Molesworth St, PO Box 3047, Wellington

From: Kristina Temel [<mailto:kristina.temel@elections.govt.nz>]
Sent: Wednesday, 28 March 2012 08:32
To:
Cc:
Subject: RE: Out of office

Hi

Thanks for the update. Thankfully we have completed all of our work on the election. We are now just looking at the post election compliance.

All the parties submitted expense returns so no issues there. We are currently chasing the late candidates whose election expense and donations returns were due on 26 March. We will probably leave it a few days to give people a chance to explain before there are any referrals.

Have a great break.

Yours sincerely

Kristina Temel | Manager Electoral Policy | Electoral Commission
PO Box 3220 | Level 9, 17-21 Whitmore Street | Wellington | <http://www.elections.org.nz>

