

Members present

Hon Andrew McGechan (President)
Dr Helena Catt (Chief Executive)

Dated: 29 July 2008

Decision Number: 2008-15

Initiated by

GAVIN TREADGOLD ON 3 JULY 2008

In relation to

Election advertisement

Subject

PPTA (Post Primary Teachers Association) billboard "How Dense do You Want Them?".

Findings and Determination

No contravention of the Electoral Finance Act 2007 as the billboard is not an election advertisement within the meaning of section 5 of the Act.

This headnote does not form part of the decision.

Subject

PPTA (Post Primary Teachers Association) billboard "How Dense do You Want Them?".

Issues raised

Gavin Treadgold noted that as most parties have not issued their education policy that it may not be seen to be suggesting to vote for parties that support a particular stance on education. He asks what would happen if a party came out with a policy that supports lowering class sizes whilst the advertisement is running and would the status of the advertisement change?

Statutory provisions

Section 5 of the Act defines an election advertisement to be, in summary, any form of words and/or graphics that could reasonably be regarded as encouraging or persuading voters to vote or not to vote in a particular fashion.

Comments from PPTA

In a letter of 21 July 2008, Bronwyn Cross of the PPTA said, with supporting material in substantiation, that this campaign is "business as usual" for the PPTA and "would have continued regardless of whether 2008 was an election year or not".

Electoral Commission's Determination

The Electoral Commission has considered the requirements of the Act along with the items listed as exhibits (below).

In the view of the Electoral Commission the billboard states a policy position and is not presently directed at the election and therefore is not presently an election advertisement within the meaning of section 5 of the Act.

For the above reasons it is the view of the Electoral Commission that the PPTA (Post Primary Teachers Association) billboard "How Dense do You Want Them?" does not contravene the Electoral Finance Act 2007 at present.

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:

The following items have been received and are attached:

1. email, 3 July 2008, from Gavin Treadgold
2. copy of photo of the Billboard
3. letter, 21 July 2008, from PPTA (note 35 pages of appendices available at the meeting not included here)