

Speaker's Ruling – Parliament TV—Use of Official Footage for Political Advertising

26 September 2019

SPEAKER: I have received a letter from Kieran McNulty raising with me as a matter of privilege the use by the Leader of the Opposition of official television coverage of the House for political advertising without the permission of the member shown and publishing a false and misleading account of proceedings, contrary to Part B of Appendix D of the Standing Orders. In his response to the complaint, the Leader of the Opposition has raised some valid points about the conditions for the use of official footage.

This matter was discussed at the last review of the Standing Orders, and while some parties wish to further reform the rules, others were not in favour. Because the Standing Orders Committee generally operates on the basis of consensus, the only change made was to remove the ban on using the footage for satire or ridicule. I think this matter should be considered again by the Standing Orders Committee in its current review, and I encourage the Leader of the Opposition to make a submission to the Standing Orders Committee.

I intend to retain the matter of the privilege until the committee determines whether the conditions for the use of the official footage should be further reformed. I still, however, need to deal with the subject of the complaint.

Mr McNulty's letter has highlighted the existence of a range of videos posted by different parties that use footage of members for political advertising. I would be very surprised if those members had given permission, as the rules clearly require. While there has been some discussion around what constitutes a political advertisement, it is clear to me that the videos that support one party or aim to reduce support for another party are the sorts of items covered by Appendix D of the Standing Orders. That view is further reinforced by the description of the video as an "attack ad" in the material Mr Bridges referred to me.

I encourage all parties to consider the videos that they may have posted online. Those using official Parliament TV footage that has been edited and featuring other members without their permission should be removed by 5 p.m. on Friday, 27 September.

In relation to the specific matter complained of, the Standing Orders are clear that breaches of the conditions for use of the official footage could result in the loss of access to that footage and may be treated as a contempt. As I have indicated, I intend to withhold judgment on the matter of privilege until after the Standing Orders Committee has considered the current rules. Until that time, the Hon Simon Bridges and his office are to refrain from editing official video footage of MPs and posting it. They may still link to the official footage, but I will view editing it as an intention to make an advertisement. I may then have to proceed more swiftly in considering the matter of privilege.