

In the High Court of New Zealand

Auckland Registry

No: CIV

Under the Judicial Review Procedure Act 2016

In the matter of seeking a mandatory interim injunction to restrain Television New Zealand Limited from screening an election debate on its television show "1 NEWS" on the evening of Friday, 8 September 2017.

Between

The Internet Party of New Zealand, 40 Hartford Crescent, Upper Hutt, Aotearoa 5018, New Zealand

(first plaintiff)

And Suzie Dawson, of 40 Hartford Crescent, Upper Hutt, Aotearoa 5018, New Zealand, Party Leader of the Internet Party of New Zealand

(second plaintiff)

And Television New Zealand Limited, incorporated in New Zealand and having its registered office at TVNZ Television Centre, 100 Victoria Street West, PO Box 3819 Auckland 1140.

**FIRST AFFIDAVIT INTERNET PARTY IN SUPPORT OF
APPLICATION FOR INTERIM INJUNCTION**

Contact details for service:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I, Bruce James King, **of Auckland, businessman, sincerely and solemnly declare and affirm:**

1. I am authorised to file applications and documents for the Internet Party in these proceedings. (Annexed as "A")
2. I am a registered Party List candidate of the Internet Party of New Zealand. (Annexed as "B")
3. The Internet Party is a registered political party contesting the New Zealand general election on September 23rd, 2017 (Annexed as "C")
4. The following documents are attached, or where publicly available, referenced and linked to, in support of the plaintiffs' Application for Judicial Review:
 - a. The Internet Party's 26th May 2017 press release confirming its participation in the general election (Annexed as "D")
 - b. The Internet Party's 17th June 2017 press release announcing its new Party Leader, Suzie Dawson (Annexed as "E")
 - c. The only known example of TVNZ having provided any coverage of the Internet Party's 2017 campaign (Annexed as "F")

- d. Analytics report of the Internet Party’s August 6th, 2017 campaign event, demonstrating 3.3million social media impressions (Annexed as “G”)
- e. Internet Party’s August 10th, 2017 press release regarding the “phenomenal success” of its campaign event (Annexed as “H”)
- f. Trendalyzer New Zealand report showing Internet Party’s August 20th, 2017 campaign event showing the event hashtag #AntiSpyBill achieved #1 trending in New Zealand, timestamped at the conclusion of that event (Annexed as “I”)
- g. Analytics report of the Internet Party’s August 20th, 2017 campaign event, demonstrating 5.8million social media impressions (Annexed as “J”)
- h. Internet Party’s August 27th, 2017 press release quoted in our statement of claim (Annexed as “K”)
- i. Link to the NewstalkZB article about the above event (Annexed as “L”)
- j. Internet Party’s September 5th, 2017 request to TVNZ to include it in the minor parties televised leader’s debate on Friday 8th September, 2017 (Annexed as “M”)
- k. TVNZ’s September 5th, 2017 response to Internet Party refusing to do so (Annexed as “N”)

- I. Link to Internet Party's published press releases (Annexed as "O")
 - m. Contact details of two separate TVNZ producers as they appear on the Internet Party's press contact list, to whom all releases are sent (Annexed as "P")
 - n. The Public Services Association policy review of registered parties that placed Internet Party's policies in the #1 position for most respondent to the needs and priorities of the public service (Annexed as "Q")
 - o. Links to judgements in the established case law regarding inclusions of previously excluded minor parties in televised election debates, namely that of CIV 2005-495-1596 & CIV 2014-404-001972 (Annexed as "R" and "S")
5. The Constitution of the Internet Party of New Zealand states that an objective of the Party is to actively encourage the participation of young people in New Zealand's democratic process. Additionally, we believe the sum total of our constitutional responsibilities are to act in the public interest. (Annexed as "T") In order to do so, our voice and messages must be included in public debate. Additionally our Core Values include fairness and openness. (Annexed as "U") It is on this basis that we are filing these proceedings, for the future benefit of other parties and the public at large who may encounter similar breaches of their fundamental rights in the future, and a need to seek redress.

Signature of deponent:

B.J. King

Affirmed at Auckland on 7 September 2017

Before me:

ANNEXES:

“A”: As per minuted decision of the Executive Committee of the Internet Party of New Zealand, Thursday 7th September 2017.
FILENAME: ANNEX A.doc

“B”: Screenshot of relevant portion of candidates page on Internet Party’s official website: <https://internet.org.nz/candidates>
FILENAME: ANNEX B.PNG

“C”: Screenshot of relevant portion of the Register of Political Parties on the Electoral Commission of New Zealand’s official website: <http://www.elections.org.nz/parties-candidates/registered-political-parties/register-political-parties>
FILENAME: ANNEX C.PNG

“D”: Link to May 26th press release as published on Internet Party’s official website: https://internet.org.nz/downloads/Internet_Party-Statement_of_Solidarity-2017-05-25.pdf

“E”: Link to June 17th press release as published on Internet Party’s official website: <https://internet.org.nz/downloads/New-leader-PR.pdf>

“F”: Link to archive.org permanent copy of the June 17th TVNZ article regarding Internet Party’s new leader announcement: <https://web.archive.org/web/20170619022301/https://www.tvnz.co.nz/one-news/new-zealand/kiwi-journalist-in-exile-russia-named-internet-party-leader>

“G”: Screenshot of Twitter analytics tool report for the August 6th Internet Party campaign event showing 3.3 million social media impressions

FILENAME: ANNEX G.PNG

“H”: Link to August 10th press release as published on Internet Party’s official website: <https://internet.org.nz/downloads/ASBPR1NZ.pdf>

“I”: Screenshot of Trendalyzer NZ report showing Internet Party August 20th campaign event trending at #1 in New Zealand timestamped at the close of the event

FILENAME ANNEX I.PNG

“J”: Screenshot of Twitter analytics tool report for the August 20th Internet Party campaign event showing 5.8 million social media impressions

FILENAME: ANNEX J.PNG

“K”: Link to August 27th press release as published on Internet Party’s official website: <https://internet.org.nz/downloads/asb3pr.pdf>

“L”: Link to NewstalkZB 103-word article about our August 20th campaign event: <http://www.newstalkzb.co.nz/news/vote2017/kim-dotcom-returns-to-politics/#ath>

“M”: Screenshots of email correspondence sent to John Gillespie at TVNZ requesting inclusion in the televised debate

FILENAMES: ANNEX M1.PNG

ANNEX M2.PNG

“N”: Screenshots of email correspondence received from John Gillespie, refusing our request to be invited to participate

FILENAME: ANNEX N1.PNG

ANNEX N2.PNG

ANNEX N3.PNG

ANNEX N4.PNG

“O”: Parent link to all of Internet Party’s published press releases: <https://internet.org.nz/news>

“P”: Screenshots of the contact details of the two TVNZ producers (One News and 7Sharp) as they appear on the Internet Party press list to which all press releases are sent

FILENAMES: ANNEX P1.PNG

ANNEX P2.PNG

“Q”: Link to the Public Services Association’s published findings of its policy review of Registered Political Parties: <https://>

www.psa.org.nz/assets/Uploads/Survey-of-parties-political-asks-merged-responses-full.pdf

“R”: Link to judgement in CIV 2005-495-1596: <http://www.scoop.co.nz/stories/PO0508/S00149.htm>

“S”: Link to judgement in CIV 2014-404-001972: <http://www.nzlii.org/nz/cases/NZHC/2014/1875.html>

“T”: Link to the Constitution of the Internet Party of New Zealand:
<http://ipnz.github.io/Docs/ConstitutionAndRules/>

“U”: Link to our Core Values as they appear on our official website: <https://internet.org.nz/international-guidelines>