



ELECTORAL COMMISSION
Te Kaitiaki Take Kōwhiri

Party Donations Return for the year ended 31 December 2010

Send to **Electoral Commission, PO Box 3220, Wellington**, to arrive by **30 April 2011**

For further information and assistance see the Elections NZ website: <http://www.elections.org.nz/rules/parties/donations/how-to-return-donations.html> or telephone the Electoral Commission at **(04) 495 0030**.

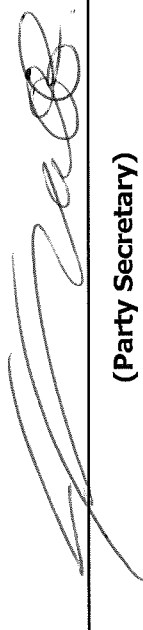
Party name	NEW ZEALAND LABOUR PARTY
Party Secretary name	CHRIS FLATT

Checklist:

Parts A to E completed (if no donations in a Part then write 'nil' in first row)	
Party Secretary has initialled every page	
All relevant supporting documentation supplied to auditor	
Auditor has stamped or initialled every page	
Auditor's report enclosed	
Representation letter enclosed, if used	

ELECTORAL COMMISSION
- 2 MAY 2011
RECEIVED

I declare that to the best of my knowledge this return contains all donations and information required pursuant to section 210 of the Electoral Act 1993 and is not false in any material particular

Signed:  date: 26/4/11.
(Party Secretary)

**Part A – Every donor who has donated over \$10,000 during the year
Sections 210(1)(a) and 210(2)**

This Part: – includes aggregations from the same donor (including those exceeding \$20,000 that have been reported during the year under section 210C)
 – does not include contributors to donations, anonymous or overseas donations, or donations protected from disclosure (see Parts B, C, D and E)
 The requirement to identify whether a donation contains contributions is in section 210(1)(b)

	Donor's name	Donor's address	Date of donation (or dates of aggregated donations)	Does the donation contain contributions? (yes / no)	Amount of donation or aggregated donations
1	Andrew Michael Beresford Smith	Apt 4B/39 Ghuznee Street, Wellington 6011	30/4/10, 28/01/2010- 28/12/10	No	\$25,120
2	Ann Robinson	40 Westmere Crescent, Westmere, Auckland 1022	3/7/10, 9/10/10	No	\$16,500
3	Karl Maughan	62 Selbourne Street, Grey Lynn, Auckland 1021	3/7/10, 9/10/10	No	\$15,100
4					
5					
6					
7					
8	(add more rows as needed)				
Total			\$56,720		

Party Secretary Initial	CF
Auditor Stamp/Initial	



**Part B – Every contributor who has contributed over \$10,000 during the year
Sections 210(1)(b) and 210(3)**

This includes aggregations of contributions from the same person
Contributors are defined in section 207, and the requirement to identify contributors is in section 207C

Contributor's name	Contributor's address	Amount of contribution or aggregated contributions	For each contribution		
			Donation (number) in Part A that the contribution was part of (if applicable)	Date of donation	Amount of the contribution
Nil	Nil	Nil	Nil	Nil	Nil
(add more rows as needed)					
Total		Nil			

Party Secretary Initial	ck
Auditor Stamp/Initial	



**Part C – Every anonymous donation received that was over \$1,000
Sections 210(1)(c) and 210(4)**

Note: If an anonymous donation is over \$1,000 the party is entitled to keep \$1,000 and must pay the excess to the Electoral Commission within 20 working days

Anonymous is defined in section 207, and the requirement to relinquish the excess of anonymous donations is in section 207I

Date anonymous donation received	Amount of anonymous donation	Amount paid to Electoral Commission	Date paid to Electoral Commission	(for office use) Amount of payment and date received
Nil	Nil	Nil	Nil	
				(add more rows as needed)
Totals	Nil	Nil		

Party Secretary Initial	
Auditor Stamp/Initial	cf



**Part D – Every donation or contribution from an overseas person that was over \$1,000
Sections 210(1)(d) and 210(5)**

Note: If a donation from an *overseas person* is over \$1,000 the party is entitled to keep \$1,000 and within 20 working days must either return the *excess* to the donor or pay the *excess* to the Electoral Commission. If an *overseas contribution* to a non-overseas donation is over \$1000, within 20 working days the party must either return the *entire donation* to the donor or pay it to the Electoral Commission.

Overseas person is defined in section 207K, along with the requirement to relinquish some donations with overseas components

Date <i>overseas donation</i> received	Amount of overseas donation	Was the excess returned to the donor or paid to the Electoral Commission?	Amount returned to donor or paid to Electoral Commission	Date excess returned to donor or paid to Electoral Commission	(for office use) Amount of payment and date received
Nil	Nil	Nil	Nil	Nil	
Total	Nil	Total	Nil		(add more rows as needed)

Date <i>donation with overseas contribution</i> received	Amount of overseas contribution	Was the donation returned to the donor or paid to the Electoral Commission?	Amount returned to donor or paid to Electoral Commission	Date donation returned to donor or paid to Electoral Commission	(for office use) Amount of payment and date received
Nil	Nil	Nil	Nil	Nil	
Total	Nil	Total	Nil		(add more rows as needed)

Party Secretary Initial	ck
Auditor Stamp/Initial	



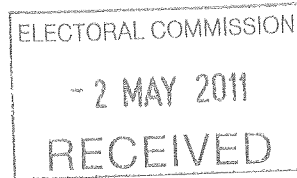
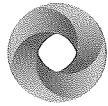
Part E – All payments from the Electoral Commission of donations protected from disclosure Sections 210(1)(e) and 210(6)

Donations protected from disclosure are defined in section 208

Date payment received	Amount of payment	Amount of interest included in the payment	(for office use) Amount of payment and date sent
Nil	Nil	Nil	
Total	Nil		(add more rows as needed)

Party Secretary Initial	CF
Auditor Stamp/Initial	





Independent Auditor's Report

Audit

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To The New Zealand Council of the New Zealand Labour Party

Report on the Financial Statements

We have audited the attached Return of Party Donations (the Return) for the period 1 January 2010 to 31 December 2010. The Return is prepared in compliance with section 210A of the Electoral Act 1993. The Return provides information about party donations made to The New Zealand Council of the New Zealand Labour Party.

Party Secretary's and Financial Agent Responsibilities

The Party Secretary and Financial Agent is responsible for ensuring that the Electoral Commission receives a return of the Party's donations received for the period 1 January 2010 to 31 December 2010. This is done on behalf of The New Zealand Council of the New Zealand Labour Party.

Auditor's Responsibilities

Our responsibility is to express an opinion on the Return in terms of the requirements of section 210A of the Electoral Act 1993. We conducted our audit in accordance with International Standards on Auditing (New Zealand). Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance that the total donations received by the Party are fairly reflected in the Return prescribed by section 210A and are free from material misstatement whether caused by fraud or error.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement in the Return, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the Return that fairly reflects matters to which they relate in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Other than in our capacity as auditor we have no relationship with, or interests in The New Zealand Council of the New Zealand Labour Party.

Basis for Qualified Opinion

In forming our opinion on the Return for Party Donations we considered the following:

Donation income belongs to an organisation once it is received, but there are generally no practical procedures available to give auditors assurance that all income of this nature, whether in the form of cash or as donated services, received by an organisation is actually recorded by that entity. Accordingly, auditors of organisations receiving significant amounts of donations usually qualify their audit opinions to reflect the practical limitations of an audit in this area.

In common with other organisations receiving similar income, control over donations income received by The New Zealand Council of the New Zealand Labour Party prior to it being recorded is limited, and as commented in the preceding paragraph, there are no practical audit procedures to determine the effect of this limited control. Due to the nature of the issue, we do not believe there is further information that can be provided to us by The New Zealand Council of the New Zealand Labour Party which would allow us to determine the effect of this limited control.

Qualified Opinion

In our opinion, except for the possible effects of the matter described in the Basis for Qualified Opinion paragraph, the Return fairly reflects the party donations received by the Party Secretary and Financial Agent, for the period 1 January 2010 to 31 December 2010.

Report on other Legal and Regulatory Matters

Per the Electoral Act 1993:

- We have received all the information and explanations we have required
- In our opinion, proper accounting records have been kept by The New Zealand Council of the New Zealand Labour Party as far as appears from an examination of those records.



Grant Thornton New Zealand Audit Partnership
Wellington, New Zealand
26 April 2011

NEW ZEALAND LABOUR PARTY

Fraser House, Labour Party Head Office



26 April 2011

Brent Kennerley
Grant Thornton
PO Box 10712
Wellington

Dear Brent,

Letter of Representation for New Zealand Labour Party Donations Return for the 2010 calendar year

This representation letter is furnished in connection with the return of party donations for the 2010 calendar year (the return) by the New Zealand Labour Party (the Party) made in accordance with section 210 of the Electoral Act 1993 (the Act), which has been audited by you in accordance with section 210A of the Act.

I understand that your audit was conducted in accordance with the relevant provisions of the Act and the Auditing and Assurance Standards issued by the New Zealand Institute of Chartered Accountants.

I confirm and take responsibility for the following representations after taking all reasonable steps to assure myself of them:

- 1 The return has been prepared in accordance with the relevant provisions of the Act.
- 2 I am responsible for establishing and maintaining a system of internal control designed to provide reasonable assurance as to the integrity and reliability of the return. I have done this, and all explanations or demonstrations of this to you have been complete and accurate.
- 3 All records, documents and accounts (records) have been kept by the Party (including subsidiary entities) and made available to you, and these materials will be retained in accordance with the requirements of the Act.
- 4 I have disclosed to you to the best of my knowledge:
 - 4.1 any material transactions not disclosed in the records;
 - 4.2 any alleged, suspected or proven illegal activity under the Act or other legislation potentially relevant to the return;
 - 4.3 the fact of, and results from, any assessment made by me that considered whether the records of the Party may be materially misstated or incomplete for any reason.
- 5 The return contains the total returnable donations received by the Party in the 2010 calendar year. The return includes:

- 5.1 donations in the form of money, goods or services paid for by others, discounts given on goods or services provided to the Party, premiums paid in respect of good or services provided by the Party, and credit provided to the Party at terms more favourable than the prevailing commercial terms, including the value of GST on any of those items;
 - 5.2 donations of more than \$10,000 in aggregate from an individual donor, contributions to donations of more than \$10,000 in aggregate from an individual contributor, and anonymous and overseas donations and contributions of more than \$1,000;
 - 5.3 payments received from the Electoral Commission of donations protected from disclosure.
- 6 The return's contents have been determined by considering the questions set out in the Appendix to this letter and the relevant provisions of the Act.
 - 7 Where an assessment has been made of the reasonable market value of a donation, the basis of the assessment is fair and appropriate, and has been properly applied and recorded.
 - 8 Any and all misstatements you have identified during the course of your audit have been adjusted in the final return.
 - 9 I have completed my own procedures, distinct from your audit processes, to evaluate the accuracy and completeness of the return.
 - 10 The return is free of any material misstatements or omissions.

These representations are made in terms mutually agreed between us, and to supplement information obtained by you from the records of the Party and to confirm information given to you orally.

Yours sincerely,



Chris Flatt
General Secretary

APPENDIX to Letter of Representation

The return's contents have been determined by considering, in the following sequence, these questions and the relevant provisions of the Act:

11 What benefits to the party were "donations"?

11.1 What gifts of money did the party receive?

Any money donated to the party, regardless of method of payment, is a donation [section 207 definition of **party donation**]. This includes donations protected from disclosure [see below].

11.2 What gifts of goods or services did the party receive?

Any goods or services donated to the party are donations, including the value of GST [section 207 definition of **party donation**, and section 207A].

11.3 What was the difference between the contract price and the reasonable market value (including GST) of any goods or services provided to the party at a discount?

Where the reasonable market value is more than \$1,000, the difference in value (discount) is a donation [section 207 definition of **party donation** at paragraph (a)(i), and section 207A].

11.4 What was the difference between the contract price and the reasonable market value (including GST) of any goods or services provided by the party at a premium?

The difference in value (premium) is a donation [section 207 definition of **party donation** at paragraph (a)(ii), and section 207A].

11.5 What was the value to the party of the terms and conditions of any credit provided to the party on more favourable terms and conditions than prevailed at the time?

The value to the party of the more favourable terms and conditions is a donation [section 207 definition of **party donation** at paragraph (a)(iii)].

12 What donations were made to the "party"?

12.1 Was the donation provided to the party or to any person or organisation on behalf of the party? [section 207 definition of **party donation**]

The "party" is the registered political party [section 3 definition of **party**, and paragraph 14 below].

Apart from candidate donations [paragraph 13 below], all donations received throughout the party administration whether at the national or local level (or other subsidiary entities) must be returned as being received by the party.

The only segment of political parties recognised distinctly in electoral law is "candidates"

- 13 Do any of the donations identified above, or components of those donations, fall within the party donation exclusions? [section 207 definition of **party donation** at paragraph (b)]
- the labour of any person provided free of charge by that person
 - any candidate donation that is included in a candidate donation return filed under section 209
- Do not include these items in the calculation of party donations.
- 14 Apart from donations protected from disclosure, which persons made “donations” to the party and which persons made “contributions to a donation”? [section 210(1) and paragraph 15 below]
- 14.1 Did person A make the donation directly to the party (or any person or organisation involved in the administration of the affairs of the party)?
- If yes:
- Person A is a “donor” and made a “donation” [section 207 definition of **donor** and definition of **party donation**].
- Include this donation in the calculation of donations from person A.
- If no:
- 14.2 Did person A give their donation to another person or organisation (person B) to forward on (transmit) to the party?
- If yes:
- Person A is a “donor” and made a “donation” [section 207 definition of **donor** and definition of **transmitter**, and section 207B].
- Include this donation in the calculation of donations from person A.
- Person B is a “transmitter” and is not a donor [section 21 definition of **donor** and definition of **transmitter**, and section 207B].
- Do not include this transmission in the calculation of donations or contributions from person B.
- If no:
- 14.3 Did person A give their donation to another person or organisation (person C) with the knowledge or expectation that it would be wholly or partly applied to funding a donation to the party?
- If yes:
- Person A is a “contributor” and made a “contribution to a donation” [section 207 definition of **contribution** and definition of **contributor**, and section 207C].
- Include this contribution in the calculation of contributions to donations from person A.

- Person C is a “donor” and made a “donation” [section 207 definition of **donor** and definition of **donation funded from contributions**, and section 207C].

Include the donation that person A contributed to (that is, the entire donation that was given to the party by person C) in the calculation of donations from person C.

NOTE: whether an intermediary is a **transmitter** of a donation on behalf of a donor, or is a **donor** making a donation funded from contributions, will be a question of fact taking into account all of the provisions pertaining to **transmitters** and **contributions**.

15 Which donations must be included in the return? [section 210]

15.1 Which donors donated more than \$10,000 in aggregate during the calendar year? [section 210(1)(a)]

This includes any donations made through a transmitter [paragraph 14.2 above].

- Include these donations in the return in **Part A**

15.2 Which contributors to a donation contributed more than \$10,000 in aggregate during the calendar year? [section 210(1)(b)]

- Include these contributions in the return in **Part B**

15.3 Which anonymous donations exceeded \$1,000 and who was the excess returned or paid to? [section 207 definition of anonymous, section 207I and section 210(1)(c)]

- Include these donations in the return in **Part C**

15.4 Which donations or contributions to a donation made by overseas persons exceeded \$1,000 and who was the excess returned or paid to? [section 207K(1) definition of overseas person and the remainder of section 207K, and section 210(1)(d)]

- Include these donations and contributions in the return in **Part D**

15.5 How much did the party receive from the Electoral Commission in payments of donations protected from disclosure and how much interest was included in those payments? [section 208D and section 210(1)(e)]

- Include these donations in the return in **Part E**