

**From:** [Natalie McNaught](#)  
**To:** [Denoual Hayley](#)  
**Cc:** [Kristina Temel](#); [Benjamin Baker](#)  
**Subject:** Recommendations and issues for leg change  
**Date:** Friday, 10 September 2021 12:22:16 PM  
**Attachments:** [Recommendations from report on 2020 GE for this term for MOJ.docx](#)  
[Donations issues requiring clarification in the Electoral Act.pdf](#)  
s 9(2)(h)

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Hi Hayley

Please find attached an updated version of the table you sent across a couple of weeks ago, with recommendations for legislative and/or regulatory change for 2023. You'll see we've added some additional rows and comments against each recommendation to explain the rational or need for change.

Also attached is a short paper identifying some issues relating to donations and recent Crown Law advice obtained by the Commissioner [s 9\(2\)\(h\)](#). Crown Law has confirmed we are able to share the advice with your team, but has asked us to make it clear that Crown legal privilege will continue to apply to the advice, and can only be waived by the AG.

Once you've had a chance to review this material it would be good to meet up (virtually or in person) to discuss. If you can let me know when suits I'm happy to set up the meeting.

Nga mihi

**Natalie McNaught** (she/her) | **Principal Advisor Legal**  
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## Donation issues requiring clarification in the Electoral Act

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There are some areas where there is a lack of clarity around the meaning of certain terms around the rules for donations in Part 6A of the Electoral Act 1993 (the Act).

### Types of donor

Donors can be an overseas, anonymous or NZ donor. Section 207 of the Act provides the key definitions that relate to donations.

A **donor** is defined as: “a person who makes a donation”.

**anonymous** means:

(a) in relation to a candidate donation, means a donation that is made in such a way that the candidate who receives the donation—

- (i) does not know the identity of the donor; and
- (ii) could not, in the circumstances, reasonably be expected to know the identity of the donor:

(b) in relation to a party donation, means a donation that is made in such a way that the party secretary who receives the donation—

- (i) does not know the identity of the donor; and
- (ii) could not, in the circumstances, reasonably be expected to know the identity of the donor.

**New Zealand person** means a person who is not an overseas person.

**overseas person** means—

(a) an individual who—

- (i) resides outside New Zealand; and
- (ii) is not a New Zealand citizen or registered as an elector; or

(b) a body corporate incorporated outside New Zealand; or

(c) an unincorporated body that has its head office or principal place of business outside New Zealand.

### Who is a New Zealand person?

The definition in section 207 excludes overseas persons, but does not provide any further guidance. Are there any limitations? It appears to include any of the following in New Zealand:

- New Zealand citizens
- Registered electors
- New Zealand permanent residents or residents
- Individuals in New Zealand on a work or study visa
- Refugees
- Body corporates incorporated in New Zealand
- Unincorporated bodies that have a head office or principal place of business in New Zealand

Are there any category of person in New Zealand who are or should be excluded? These could include:

- People visiting New Zealand on a temporary basis for work or holiday
- People who have entered New Zealand or who are living in New Zealand unlawfully (see section 73 of the Electoral Act and sections 15 and 16 of the Immigration Act 2009)
- Anyone sentenced to a term of imprisonment who is subject to a deportation order at the end of their sentence
- People who have resided in New Zealand for less than a prescribed period i.e. less than 12 months, or less than one month.

## How long does a person have to reside in NZ before they can donate as a NZ person?

‘resides’ is not defined for the purposes of an overseas person.

Section 3 of the Act provides that **residence** and **to reside** have the meanings assigned thereto by section 72.

Section 72(2) provides for the purposes of the Act, a person can reside in only one place.

Section 72(3) provides a person resides at the place where that person chooses to make his or her home by reason of family or personal relations or for other domestic or personal reasons.

Unlike the enrolment provisions in Part 5 of the Act, the donation provisions do not specify any minimum period of residence before a person can make a donation as a NZ person.

As there is no minimum period required under Part 6A to reside in New Zealand there may be some people who are able to donate as a NZ person that the policy was not intended to cover. Greater clarity may be beneficial.

For instance, does a person on a fixed term visa (for example someone working in New Zealand for 6 months) qualify as a New Zealand person for the purposes of the rules? Or should people on fixed term travel, work or study visas be excluded from the meaning of a New Zealand person?

If people reside 6 months here and 6 months overseas every year, can they donate over \$50?

## Should ‘free labour’ and ‘free or discounted services’ be defined?

The Act does not define ‘labour’ or ‘services’ for the purposes of the electoral finance rules around donations and expenses that candidates and parties have to comply with.

s 9(2)(h)  
[Redacted text block]

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s 9(2)(h) [Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

### Should 'person' be limited to natural persons for the purposes of free labour?

'person' is not defined but includes incorporated and unincorporated bodies within the meaning of overseas person. This is consistent with the meaning of 'person' in section 29 of the Interpretation Act 1999 and Parts 6AA and 6A of the Act.

Taking the permissive approach referred to above (and with the absence of any express or implied limitation of the term 'person'), free services provided by incorporated or unincorporated bodies would be included in the exemption for 'free labour' for both the meaning of candidate and party donations in section 207 and the meaning of election expenses in section 3E of the Electoral Act.

To date the Commission has adopted the narrower interpretation of 'free labour' being limited to natural persons providing their services for free i.e. door knocking, canvassing and other pro bono or volunteer activity with a candidate or party's campaign.

It is unclear whether the additional words 'by that person' provide any limitation that can be read into these provisions.

Adopting a more permissive approach would also create an inconsistency in the application of the donation's rules, where a candidate or party would not be required to record or report services provided for free, but would be required to record (and report) services that meet the reporting limits provided at less than reasonable market value.

## Recommendations in report on 2020 General Election

Recommendations 25 and 26 could be progressed as part of a package of electoral finance amendments to the Act. These are:

- The Commission recommends adding an overarching anti-collusion provision to the Electoral Act to aid enforceability.
- The Commission recommends adding failure to transmit a donation as an offence to the Electoral Act to further strengthen the donations regime.

As noted in the report, this cycle there were a number of high-profile complaints investigated by Police and the Serious Fraud Office relating to donations, including allegations of donations not being transmitted to the party secretary or donations being given indirectly.

The Commission also notes that while candidate or party donations must be transmitted to a candidate or party secretary within 10 working days the Electoral Act does not have an offence provision or penalty for failure to do so (section 207B).

**From:** [Denoual, Hayley](#)  
**To:** [Kristina Temel](#)  
**Cc:** [Johnston, Anna](#)  
**Subject:** RE: Leg change timings  
**Date:** Friday, 10 September 2021 1:15:43 PM  
**Attachments:** [image002.jpg](#)  
[image003.jpg](#)  
[210910 Donations - project timetable.docx](#)

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Hi Kristina

**OUT OF SCOPE** We have some project timetables for **OUT OF SCOPE** the political donations work. The donations project timetable is attached **OUT OF SCOPE** **OUT OF SCOPE**  
**OUT OF SCOPE** the donations timeframes may change **OUT OF SCOPE**  
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Hope this helps

Hayley



**Hayley Denoual**

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**From:** Kristina Temel <Kristina.Temel@elections.govt.nz>

**Sent:** Friday, 10 September 2021 9:36 am

**To:** Denoual, Hayley <Hayley.Denoual@justice.govt.nz>

**Subject:** Leg change timings

Hi Hayley,

Do you have one of your awesome graphics re leg changes for 2023 showing approx. timings. There are quite a few strands and it would be helpful. I know it's subject to change and it would just be for our own L and P team use.

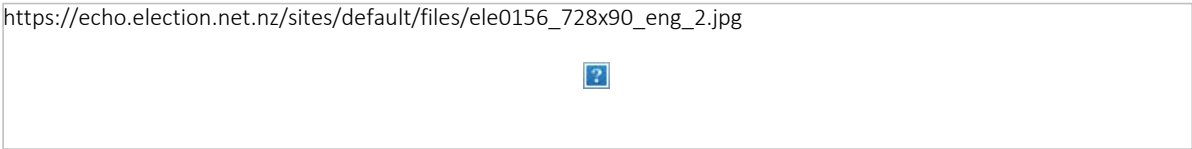
KT

**Kristina Temel** | Manager, Legal and Policy | **Electoral Commission** | Te Kaitiaki Take Kowhiri

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[https://echo.election.net.nz/sites/default/files/ele0156\\_728x90\\_eng\\_2.jpg](https://echo.election.net.nz/sites/default/files/ele0156_728x90_eng_2.jpg)



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Thank you.

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## Political Donations – Project timeline (@10 September 2021)

Stage	Timing	Review activity/steps
Scoping & Planning	Feb to May 2021	<ul style="list-style-type: none"> <li>• Initial meeting with Minister – <b>24 Feb</b></li> <li>• Develop advice of potential project scope and approach to consultation and timeframes</li> </ul>
		<ul style="list-style-type: none"> <li>• Initial scoping briefing to Minister – <b>25 Mar</b></li> <li>• Meeting with Minister to discuss scope– <b>6 April, 25 May</b></li> <li>• Further scope information provided to Minister – <b>12 April, 7 May, 25 May</b></li> </ul>
Stakeholder consultation & options development	May to Sept 2021	<ul style="list-style-type: none"> <li>• Initial consultation letter to party secretaries and academics – <b>5 May</b></li> <li>• Meetings with key stakeholders – <b>May/June</b></li> </ul>
		<ul style="list-style-type: none"> <li>• Development of initial policy options</li> <li>• Internal QA workshops to test analysis and start developing RIS</li> </ul>
		<ul style="list-style-type: none"> <li>• Briefing to Minister re: potential policy options to progress to further public and stakeholder consultation, and proposed assessment criteria - <b>5 August</b></li> </ul>
		<ul style="list-style-type: none"> <li>• Ministerial-led cross party engagement from <b>15 Sept – 8 Oct</b> (inc. 2 sitting weeks)</li> </ul>
		<ul style="list-style-type: none"> <li>• Online public consultation on policy options from <b>16 – 13 October 2021</b> (3 weeks)</li> <li>• Further meetings with key stakeholders</li> </ul>
Policy Approvals	Oct to Nov 2021	<ul style="list-style-type: none"> <li>• Briefing                             <ul style="list-style-type: none"> <li>○ Briefing to Minister and agreement on package of proposed changes – <b>By 22 October 2021</b></li> <li>○ Meeting with Minister to discuss briefing and shape of Cabinet paper (TBC)</li> </ul> </li> </ul>
		<ul style="list-style-type: none"> <li>• RIA                             <ul style="list-style-type: none"> <li>○ Draft to agencies <b>22 Oct 2021</b></li> <li>○ Draft to Minister by <b>29 October 2021</b> for ministerial consultation (<b>26 Oct – 8 Nov 2021</b>)</li> </ul> </li> </ul>
		<ul style="list-style-type: none"> <li>• Cabinet paper on proposed options                             <ul style="list-style-type: none"> <li>○ Draft to Minister by <b>29 October 2021</b> for ministerial consultation (<b>1 Nov – 16 Nov 2021</b>)</li> <li>○ Lodge paper on <b>17 November 2021</b></li> <li>○ SWC on <b>24 November 2021</b></li> <li>○ Cabinet on <b>29 November 2021</b></li> </ul> </li> </ul>
Legislative Process <i>(assume stand alone EAB)</i>	Dec 2021 to July 2022	<ul style="list-style-type: none"> <li>• Drafting Instructions issued by <b>1 December 2021</b></li> <li>• BORA vet – send to Crown Law by <b>14 February 2022</b></li> </ul>
		<ul style="list-style-type: none"> <li>• Leg Bid for 2022 Leg bid programme – Dec 2022</li> </ul>
		<ul style="list-style-type: none"> <li>• Ministerial consultation on Bill                             <ul style="list-style-type: none"> <li>○ Draft to Minister by <b>18 February 2022</b> for ministerial consultation (21 Feb – 9 Mar)</li> </ul> </li> <li>• Lodge paper on <b>10 March 2022</b></li> <li>• Cabinet LEG approvals –<b>17 March 2022</b></li> <li>• Cabinet –<b>21 March 2022</b></li> </ul>
		<ul style="list-style-type: none"> <li>• Introduction –<b>21 March 2022</b></li> <li>• First Reading - <b>24 Mar 2022</b></li> </ul>
		<ul style="list-style-type: none"> <li>• Select committee process – <b>March – July 2022</b> (4 months)</li> </ul>
		<ul style="list-style-type: none"> <li>• Remaining House stages to enact Bill – <b>August 2022</b></li> </ul>



**From:** [Denoual, Hayley](#)  
**To:** [Kristina Temei](#)  
**Cc:** [Mathieson, Michael](#); [Natalie McNaught](#)  
**Subject:** Update re: electoral work programme - review and donations  
**Date:** Wednesday, 29 September 2021 3:12:55 PM  
**Attachments:** [image001.jpg](#)  
[210929 Options for the electoral work programme.pdf](#)  
[210827 Changes to political donations \(rtn from Min\).pdf](#)

**Electoral Commission Cyber Security Warning:** This email originated from outside of the Commission. Please take extra care when clicking links or opening attachments. When in doubt, contact the IT Service Desk.

Hi Kristina

As just discussed. The attached 'options for the electoral work programme' briefing indicates the Minister's decisions around timing for the Independent Review and donations work

In short:

- **OUT OF SCOPE**  
[REDACTED]
- Political donations – begin targeted engagement in November and significantly truncate the legislative process in 2023 (option 2)
- **OUT OF SCOPE**  
[REDACTED]

I've also attached the political donations briefing FYI.

As I mentioned, this means the political donations will be a separate – later – EAB **OUT OF SCOPE**  
[REDACTED]  
[REDACTED] Haven't worked through timing in detail on that, but probably looking at consultation on donations in Nov/Dec 2021, then Cabinet policy\* on all the proposed law changes in late Feb/early March 2022, EAB intro late May/June 2022, and enactment late October/November 2022.

**OUT OF SCOPE**  
[REDACTED]

Happy to discuss - and when I've got a clearer sense of timeframes for the donation EAB I'll keep you updated.

Hayley



**Hayley Denoual**

Senior Advisor | Electoral and Constitutional  
Civil and Constitutional Policy  
Ministry of Justice | Tahu o te Ture

**P - S 9(2)(a)**  
[REDACTED]

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**From:** [Denoual, Hayley](#)  
**To:** [Kristina Temel](#); [Benjamin Baker](#); [Natalie McNaught](#); [Aimee Bell](#)  
**Cc:** [Singh, Avi](#); [McKendry, Craig](#); [Freebairn, Braedyn](#)  
**Subject:** Political Donations consultation  
**Date:** Friday, 3 December 2021 9:36:59 AM  
**Attachments:** [image001.jpg](#)  
[20211130 Political donations - Key Messages and Back Pocket Q&A FINAL.docx](#)

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Morena Kristina

FYI – the consultation on political donations has gone live this morning. s 9(2)(f)(iv)

<https://consultations.justice.govt.nz/policy/political-donations/>

<https://www.justice.govt.nz/about/news-and-media/news/feedback-sought-on-political-donation-rules>

<https://www.justice.govt.nz/about/news-and-media/media-releases/feedback-sought-on-political-donation-rules>

<https://www.justice.govt.nz/justice-sector-policy/have-your-say>

I've also attached, if its helpful, the key messages/Q&As we've provided to the Minister today to assist with any media queries.

Nga mihi

Hayley



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**From:** [Natalie McNaught](#)  
**To:** [Singh, Avi](#)  
**Cc:** [McKendry, Craig](#); [Kristina Temel](#)  
**Subject:** RE: Electoral Commission position on disclosure obligations for in-kind donations  
**Date:** Monday, 17 January 2022 3:51:00 PM  
**Attachments:** [image001.jpg](#)  
[Party Donations and Loans Return For 31 Dec 2021 Print.pdf](#)

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Kia ora Avi

Thanks for the email and HNY to you – three weeks goes too quickly but great to have a break. Hope yours has been good too.

We currently provide guidance to parties on how to record and report in kind donations in our party secretary handbook available [here](#), as well as responding to any requests for advice on this area. The guidance covers fundraising events and how to account for the reasonable market value of tickets and items. We are in the process of updating this guidance, for a new party portal to be launched early this year. Once this is finalised we can provide you with a copy of our updated donations guidance if this will be of assistance. The [donations section](#) of the candidate handbook provides similar guidance for candidate donations.

I've also attached a copy of the return of party donations and loans for the year ending December 2021 so you can see how the return form follows the requirements of Parts 6A and 6B of the Electoral Act and provides instructions to assist party secretaries complete each section of their return.

In terms of the particular areas of uncertainty you have listed:

- There can be a donation by the person donating an item for a party fundraising auction, and a separate donation by the purchaser if the purchaser pays above reasonable market value for the item (see the definition of party donation in 207 of the Electoral Act and the party donation exemptions). For example, a business gifts a hot tub with a reasonable market value of \$10,000 that is sold at auction for \$100,000 to raise party funds. In that case the business is making an in kind donation of \$10,000 and the purchaser is also making a party donation of \$90,000. However, the purchaser will not be making a party donation if the hot tub sold at the auction for \$10,000.
- Assigning a monetary value to an in kind donation is not always straightforward. We note in our guidance not to rely on the price a buyer pays at a fundraising auction to work out the reasonable market value of an item. If parties and candidates don't have an objective basis to work out the reasonable market value of a ticket or item, we suggest they err on the side of caution and treat the entire difference between what the buyer pays and the reasonable market value of running the event or the item as a donation. 'Reasonable market value' is not defined in the Electoral Act.
- We advise for reporting purposes that parties record the name and address of any person that buys tickets or fundraising items exceeding \$50 in value. Section 207N of the Electoral Act requires party secretaries to keep proper records of all party donations received.

I hope this helps. Let me know if you have any further questions.

Nga mihi

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**Electoral Commission** | Te Kaitiaki Take Kowhiri  
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**From:** Singh, Avi <Avi.Singh@justice.govt.nz>

**Sent:** Wednesday, 12 January 2022 5:39 PM

**To:** Natalie McNaught <Natalie.McNaught@elections.govt.nz>

**Cc:** McKendry, Craig <Craig.McKendry@justice.govt.nz>

**Subject:** Electoral Commission position on disclosure obligations for in-kind donations

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Hi Natalie,

Happy New Year to you and the EC team – hope you had a refreshing break!

As you know, we've been consulting publicly on potential changes to the political donations rules. As part of this consultation, we have been meeting with key stakeholders such as party secretaries, and there appears to be some confusion among the parties about what their current disclosure obligations are in relation to in-kind donations.

In particular, there seems to be uncertainty around:

- fundraising auctions and dinners in terms of whether the identities of both the donors *and* buyers of gifts (e.g. a painting) need to be disclosed
- how to record these in-kind donations in terms of assigning a monetary amount to them
- what *de minimis* thresholds (if any) are in play regarding disclosing the identities of buyers of raffle tickets etc.

So I thought it would be helpful if the EC could please clarify its position regarding the current disclosure obligations for in-kind donations (for both parties and candidates) as well as how the party secretary/candidate handbooks and Electoral Act 1993 match up with the EC's position. This would help us both to see the extent to which the parties are mistaken as to their obligations and to cross-check against our own understanding of the current settings relating to in-kind donations.

Happy to arrange a phone call / Teams meeting if that would be easier for you to discuss this with us – please just let me know when you have a chance. Thanks



**Avi Singh**

Policy Advisor | Electoral and Constitutional

Civil and Constitutional Unit | Policy Group

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Thank you.

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## DECLARATION

### 1. Party name:

Party secretary name:

### 2. TOTAL PARTY DONATIONS

Complete Parts A to G on pages 2 to 10 if you have any donations to declare.

Write 'NIL' if you have **NO** donations, or contributions to a donation, in Parts A to G

**Part A:** Party donations of more than \$15,000

**Part C:** Anonymous party donations of more than \$1,500

**Part D:** Overseas party donations of more than \$50

**Part F:** Donations protected from disclosure

**Part G:** Other party donations up to \$15,000

**Total (A + C + D + F + G)**

### 3. TOTAL PARTY LOANS

Complete Parts H and I on pages 11 to 12 if you have any loans to declare.

Write 'NIL' if you have **NO** loans to declare

**Part H:** Party loans exceeding \$15,000

**Part I:** Party loans between \$1,500 – \$15,000

**Total (H + I)**

4. I declare that to the best of my knowledge this return contains all donations and loans information required pursuant to sections 210 and 214C of the Electoral Act 1993, is an accurate record of the party donations and loans and is not false in any material particular.

SIGNATURE

DATE: DD / MM / YYYY

## COMPLETING THE RETURN

You can complete the return electronically or by hand.

If you complete the return electronically the totals in each part will be automatically added up for you, as well as the totals on this page of the return.

If you do not have any donations and/or loans to declare enter 'NIL' in **step 2** and/or **step 3** on this page before completing the declaration at **step 4**.

## CHECKLIST

Step 1 completed

Parts A to I completed or NIL entered at step 2 and/or step 3

Party secretary signed and dated the return

All relevant supporting documentation supplied to auditor

Auditor stamped or initialled a copy of the return to keep for own records

Auditor's report enclosed

Representation letter enclosed, if used

## FILING THE RETURN

The return needs to be signed and dated by the party secretary and be accompanied by an auditor's report. The signed return and the auditor's report must be received by the Electoral Commission by **Monday, 2 May 2022**.

The return can be filed:

- by upload via the party portal
- by email to: [legal@elections.govt.nz](mailto:legal@elections.govt.nz)
- by post to PO Box 3220, Wellington 6140
- by delivery to Level 4, 34-42 Manners Street, Wellington

**Reminder:** the returns are open to public inspection and will be published on [www.elections.nz](http://www.elections.nz).

# DONATIONS Complete Parts A to G

## Party Donations

A party donation is a donation of money (or the equivalent of money), goods or services that is made to a party. A party donation includes:

- a donation of money or the equivalent of money, including where a person pays something for the party
- where a party is provided with goods or services free of charge that have a reasonable market value of more than \$1,500 (or \$50 if provided by an overseas person - see Part D for more information on who is an overseas person)
- where a party is provided with discounted goods or services and the reasonable market value of the goods or services is greater than \$1,500 (or \$50 if provided by an overseas person); the difference between the contract or agreed price and the reasonable market value of the goods or services is a donation

- when a party sells over-valued goods or services, the difference between the price paid and the reasonable market value is a donation (for example a fundraising auction or dinner)
- where credit is provided to a party on more favourable terms than those prevailing at the same time for similar credit, the value of the favourable terms is a donation.

### The following are not a party donation:

- free labour
- goods or services provided free of charge to a party, or to any person on the party's behalf, that have a reasonable market value of \$1,500 or less (or \$50 or less if from an overseas person), or
- a candidate donation that is included in a candidate's return of donations.

## PART A: PARTY DONATIONS OF MORE THAN \$15,000

### Instruction for Part A – Donations over \$15,000

Party donations of more than \$15,000 (including GST) received during 2021 are required to be declared in **Part A**, including a series of donations received from the same donor during the year that add up to more than \$15,000. Also include those donations exceeding \$30,000 received during the year and reported under section 210C.

Do not include in **Part A** contributions to donations, anonymous or overseas donations, donations protected from disclosure, or donations not exceeding \$15,000 (see **Parts B, C, D, E, F and G**).

You need to record the name and street address of the donor, the date the donation was received and the amount received from the donor. Where you have received a number of donations from the same donor you should include each date on which a donation was received from the donor and the aggregated total from the donor. You also need to confirm whether any person (other than the donor) has contributed more than \$15,000 to the donation (or more than \$50 if the contributor is an overseas person). Contributions of more than \$15,000 must be disclosed in **Part B** (or **Part E** for overseas contributors).

For any donations from a trust, include the name of the individual at whose direction the donation was made.

WRITE 'NIL' IF YOU HAVE NO DONATIONS TO DECLARE HERE:

**TOTAL FOR PART A**

	Donor's name and street address	Date donation or aggregated donations received dd/mm/yyyy	Does the donation contain contributions from another person of more than \$15,000? Enter YES or NO	Amount of donation or total aggregated donations (including GST) \$0.00
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				



**PART A: PARTY DONATIONS OF MORE THAN \$15,000**

<p><b>Donor's name and street address</b></p>	<p>Date donation or aggregated donations received <b>dd/mm/yyyy</b></p>	<p>Does the donation contain contributions from another person of more than \$15,000? Enter <b>YES</b> or <b>NO</b></p>	<p>Amount of donation or total aggregated donations (including GST) <b>\$0.00</b></p>
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
32			
33			
34			
35			

**PART A: PARTY DONATION OF MORE THAN \$15,000**

<b>Donor's name and street address</b>	<b>Date donation or aggregated donations received dd/mm/yyyy</b>	<b>Does the donation contain contributions from another person of more than \$15,000? Enter YES or NO</b>	<b>Amount of donation or total aggregated donations (including GST) \$0.00</b>
36			
37			
38			
39			
40			
41			
42			
43			
44			
45			
46			
47			
48			
49			
50			
51			
52			
53			
54			
55			
56			
57			
58			
59			





# PART D: OVERSEAS PARTY DONATIONS OF MORE THAN \$50

## Instructions for Part D – Overseas donations over \$50

### Donations from an overseas person

An overseas person is:

- an individual who resides outside New Zealand and is not a New Zealand citizen or registered elector, or
- a body corporate incorporated outside New Zealand; or
- an unincorporated body that has its head office or principal place of business outside New Zealand.

If a donation from an overseas person is over \$50 (either on its own or when aggregated with all other donations made by or on behalf of the same overseas person during the year) the party is entitled to keep \$50 and within 20 working days must either return the excess to the donor or pay the excess to the Electoral Commission.

In **Part D** you must declare:

- the name and street address of the overseas person; and
- the date the donation was received or, in the case of multiple donations, the date each donation was received; and
- the amount of the donation or, in the case of aggregated donations, the total amount of the donations; and
- the amount returned to the overseas person or paid to the Electoral Commission, and the date of that return payment.

WRITE 'NIL' IF YOU HAVE NO DONATIONS TO DECLARE HERE:

**TOTAL FOR PART D**

Name and street address of overseas donor	Amount of donation or total aggregated donations (including GST) <b>\$0.00</b>	Date donation received (or dates of each aggregated donation) <b>dd/mm/yyyy</b>	Amount returned to donor or paid to Electoral Commission (including GST)	Date of that return payment

**PART E: CONTRIBUTIONS FROM OVERSEAS PERSON OF MORE THAN \$50**

**Instructions for Part E – Overseas contributions over \$50**

If you receive any donation from a donor who is not an overseas person that includes a contribution from an overseas person greater than \$50 (either on its own or when aggregated with other contributions to the donation by the same overseas person), you must return the whole donation to the donor. If that is not possible, you must forward the whole donation to the Electoral Commission.

In **Part E** you must declare:

- the name and street address of the overseas person; and
- the amount of the contribution, or the total amount of aggregated contributions; and
- the date the donation was received or, in the case of multiple donations, the date each donation was received; and
- the amount returned to the overseas person or paid to the Electoral Commission, and the date of that return payment.

WRITE 'NIL' IF YOU HAVE NO DONATIONS TO DECLARE HERE:

**TOTAL FOR PART E**

<b>Overseas contributor's name and street address</b>	<b>Amount of contribution or total aggregated contributions (including GST) \$0.00</b>	<b>The date the related donation funded from the contribution was made dd/mm/yyyy</b>	<b>Amount returned to donor or paid to Electoral Commission (including GST)</b>	<b>Date of that return payment</b>



## PART G: OTHER PARTY DONATIONS UP TO \$15,000

### Instructions for Part G – Other party donations up to \$15,000

The total number and value of other party donations received in the following bands must be disclosed in **Part G**:

- anonymous party donations of \$1,500 or less
- party donations of more than \$1,500 up to and including \$5,000
- party donations of more than \$5,000 up to and including \$15,000.

Although aggregation is generally required for donations there is no requirement to aggregate donations from the same donor for the purposes of determining what donations to include and in which band in **Part G**. If a donor has made more than one donation in a category each donation should be counted separately when calculating the number of donations.

**Example:**

If you received two donations of \$3,000 from the same donor in the calendar year, these should be recorded as two donations in the 'Donations exceeding \$1,500 but not exceeding \$5,000' band.

WRITE 'NIL' IF YOU HAVE NO DONATIONS TO DECLARE HERE:

**TOTAL FOR PART G**

Description of donation	Total number of donations	Total amount of donations (including GST) <b>\$0.00</b>
<b>Anonymous donations not exceeding \$1,500</b>		
<b>Donations exceeding \$1,500 but not exceeding \$5,000</b>		
<b>Donations exceeding \$5,000 but not exceeding \$15,000</b>		



# LOANS Complete Parts H and I

## Party Loans exceeding \$15,000

A party loan is a written or oral agreement under which a lender lends money to a political party. Money lent by a registered bank at a commercial interest rate is not a party loan, nor are credit cards and overdraft facilities with registered banks.

## PART H: PARTY LOANS EXCEEDING \$15,000

### Instructions for Part H – Party loans exceeding \$15,000

Party loans from the same lender exceeding \$15,000 entered into during the year (including those exceeding \$30,000 that have been reported during the year under section 214F) must be reported in **Part H**.

Loans from the same lender need to be aggregated. Include loans entered into during the year not exceeding \$15,000, but that exceed \$15,000 when aggregated with all other loans from the same lender during 2020 or unpaid balances as at 31 December 2021 of any loans provided by the same lender in any previous year.

WRITE 'NIL' IF YOU HAVE NO LOANS TO DECLARE HERE:

**TOTAL FOR PART H**

Lender's name and street address	Loan amount (including GST) \$0.00	Date loan entered into dd/mm/yyyy	Repayment date (if no repayment date, specify "no repayment date" here)

Guarantor's name and street address (if any)	Unpaid balance of loan \$0.00	Interest rate or rates	Details of security given

**Total aggregated loan amount from the same lender (if applicable)**

Any terms (that enable the lender to reduce or extinguish the loan amount and/or interest or grant any concession in respect of repayment)

Lender's name and street address	Loan amount (including GST) \$0.00	Date loan entered into dd/mm/yyyy	Repayment date (if no repayment date, specify "no repayment date" here)

Guarantor's name and street address (if any)	Unpaid balance of loan \$0.00	Interest rate or rates	Details of security given

**Total aggregated loan amount from the same lender (if applicable)**

Any terms (that enable the lender to reduce or extinguish the loan amount and/or interest or grant any concession in respect of repayment)

## PART I: PARTY LOANS BETWEEN \$1,500 – \$15,000

### Instructions for Part I – Party loans between \$1,500 – \$15,000

The total number and value of all other party loans entered into during the year of \$1,500 or more up to and including \$15,000, that have not already been disclosed in **Part H**, must be disclosed in **Part I**.

If a lender has made more than one loan to the party of between \$1,500 and \$15,000 each loan should be counted separately when calculating the total number of loans, for the purposes of **Part I**.

WRITE 'NIL' IF YOU HAVE NO LOANS TO DECLARE HERE:

	<b>TOTAL FOR PART I</b>	
	Number of loans	Total amount of loans (including GST) <b>\$0.00</b>
<b>Loans of not less than \$1,500 and not more than \$15,000</b>		



Hon Kris Faafoi, Minister of Justice

## Options for the electoral work programme

<b>Date</b>	24 September 2021	<b>File reference</b>	ELP-17-11
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### Action sought

### Timeframe

Agree to a revised approach and timing for the electoral review and your preferred approach to progressing work on political donations settings	By early October 2021
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### Contacts for telephone discussion (if required)

Name	Position	Telephone (work)	(a/h)	First contact
Kathy Brightwell	General Manager, Civil and Constitutional	04 498 2392	s9(2)(a)	<input checked="" type="checkbox"/>
Stephanie Henry-Jones	Manager, Electoral and Constitutional	04 498 4239		
Michael Mathieson	Senior Advisor	s9(2)(a)		

### Minister's office to complete

- Noted       Approved       Overtaken by events  
 Referred to: \_\_\_\_\_  
 Seen       Withdrawn       Not seen by Minister

### Minister's office's comments

IN CONFIDENCE

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## Options for the electoral work programme

### Purpose

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1. This paper provides you with options on how you could progress:
  - 1.1. the independent review of electoral law (the review); and
  - 1.2. work on political donations settings in advance of the 2023 General Election.

### Key points

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2. In July 2021, Cabinet agreed to progress an independent review of electoral law, and to consider targeted changes to the Māori Electoral Option, political donations settings and advance voting that are needed to support the 2023 General Election.
3. The COVID-19 outbreak has impacted progress on the review and political donations. This briefing provides a range of options for progressing these projects.

out of scope

### *Political Donations*

8. On 26 August, you agreed to begin targeted engagement with parliamentary party leaders on a package of possible changes to political donations and noted that a Ministry-led consultation on the package of changes would also be run.
9. Delays to beginning engagement have provided an opportunity to consider alternative options for approaching this work that take into account the changing context and timing implications.
10. We have identified three options for progressing work on the donations proposals that balance a range of factors including: the need for changes to be in force prior to the 2023

General Election; integration with broader reform arising from the review; the transparency, openness, and integrity of the process; and lead-in time for implementation by the Electoral Commission and for political parties to comply with the new rules.

s9(2)(g)(i)

12. From our position, signalling that these matters will be considered in the broader review would mitigate public concern regarding the transparency of political financing, at least in the medium term.

### Context

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13. In July 2021 Cabinet agreed to progress an independent review of electoral law, and to consider targeted changes to the Māori Electoral Option, political donations settings, s9(2)(f)(iv) ahead of the 2023 General Election [CAB-21-MIN-0274].

14. On the targeted changes:

- 14.1. we recently concluded engagement on the Māori Electoral Option. You subsequently agreed to take proposals to Cabinet in October (our briefing of 16 September refers);

s9(2)(f)(iv)

- 14.3. you agreed to begin targeted engagement with your parliamentary party colleagues on changes to the donations settings, subject to discussion on timing; and noted that a Ministry-led consultation on the package of changes would also be run (our briefing of 5 August refers).

out of scope

(Pages 4 to 8 outside the scope of the request)

out of scope

### **Progressing work on political donations**

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#### *Origin of the work on political donations*

53. In May 2021, we provided advice on setting the electoral work programme. We suggested that work on the term of Parliament and the Māori Electoral Option could progress in parallel to the review. At that time, we suggested work on political donations would be best considered in the review to ensure it was aligned with reform to related aspects of the electoral framework, such as advertising and expenditure rules.
54. Any work on political donations in the short term would also partially duplicate the work of the review because electoral finance is included in the scope of the review. Any changes to these settings made in the short term may well be revisited as part of the review's broader consideration of political financing (such as state funding) and related matters.

55. Nevertheless, we advised that some improvements to the electoral finance settings could be usefully progressed in advance of the 2023 General Election. As such, Cabinet noted you would consider whether changes are needed to “increase the transparency and openness of donations to political parties and candidates.”

*Policy decisions to date*

56. On 5 August 2021, we provided you with advice on a package of targeted changes that could be made before the 2023 General Election. We advised that a Ministry-led consultation on the package of changes would be required to:
- 56.1. understand the likely impacts of the proposed changes on established and emerging parties, including whether these impacts are likely to be disproportionate;
  - 56.2. understand any likely implementation issues and ongoing implications of the proposed changes; and
  - 56.3. identify what additional support and guidance may be required to ensure compliance.
57. On 26 August, you agreed to undertake targeted engagement with your parliamentary party colleagues on this package of changes. Engagement was originally planned to begin after your announcement of the review. While the review provides important context for the targeted changes, it is not strictly necessary for them to be announced concurrently. The review does, however, provide rationale for why only a discrete package of changes are being proposed and provides confidence that broader issues are also under consideration.

*Options available and key considerations*

58. We have identified three options for progressing work on the political donations settings. The first is to begin engagement by early October.
59. If that is not feasible, we provide two alternative options: delay consultation until November and extend the consultation period to allow more time to gather feedback on the proposed changes, s9(2)(g)(i); or defer changes to the political donations until the review reports back on these matters. .
60. Your preferred approach will be determined by the relative priority you place on:
- 60.1. having changes in force prior to the 2023 General Election;
  - 60.2. developing changes that are integrated with the direction of the broader review;
  - 60.3. the transparency, openness, and integrity of the process; and
  - 60.4. lead-in time for the Electoral Commission and political parties to implement procedures to comply with the new rules.
61. Our detailed analysis follows and is summarised in Table two.



## Next steps for the electoral work programme

86. This section sets out next steps to give effect to your decisions on this briefing. You may need to take up to three papers to Cabinet before the end of the year. We will work closely with your office to manage this workload against your other priorities.

s9(2)(f)(iv)

out of scope

### *Political donations*

91. If you decide to defer this work (Option three), no further action will be necessary.
92. Should you wish to proceed with Option one, a letter for you to send to parliamentary party leaders by early October that includes background information on the package of targeted changes is attached as Annex Three.<sup>1</sup>
93. The Ministry would also undertake consultation on the proposed package of changes with targeted stakeholders including party secretaries, academics and subject matter experts. This consultation would commence as soon possible after the letter to parliamentary party leaders is sent. We are also intending to seek public feedback via the Ministry of Justice website.

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<sup>1</sup> This letter could also be used under Option two, with dates revised.



94. Under Option one, you would take proposals to Cabinet in before the summer recess. If you wish to progress Option two, we will work with your office to confirm next steps.

**Recommendations**

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We recommend that you:

out of scope

**Political donations changes in advance of the 2023 General Election**

2. **indicate** your preferred approach to progressing work on political donations settings:

**EITHER:**

2.1. begin targeted engagement by early October by sending the letter attached as Annex Three **YES/NO**

**OR**

2.2. begin targeted engagement in November and significantly truncate the legislative process **YES/NO**

**OR**

2.3. defer work on targeted changes to political donation rules, with no changes being made before the 2023 General Election (with changes considered in the review) **YES/NO**

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**Next steps for the Māori Electoral Option**

3. **agree** to sign the letter attached as Annex Two to consult with parliamentary party leaders on the proposed changes to the Māori Electoral Option

**YES/NO**

**Date: 24 September 2021**

s9(2)(a)

Kathy Brightwell

**General Manager, Civil and Constitutional**

APPROVED      SEEN      NOT AGREED

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Hon Kris Faafoi  
**Minister of Justice**

**Annex Two: Draft consultation letter on the Māori Electoral Option**

See separate document.

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(Page 19 and page 20 withheld under s9(2)(g)(i))

# Te wā me te auautanga o te Kōwhiringa Pōti Māori

## Kupu whakataki

I tētahi pōtitanga whānui, e rua ngā pōti ka whiwhi ki ia tangata.

Ko āhei ki te pōti mō te rōpū e hiahia ana koe hei kāwanatanga. Ko tētahi atu o ō pōti mā tētahi kaitono hei kanohi mō te rohe e noho ana koe (tō rohe pōti). Ko te tangata ka whiwhi i ngā pōti nui rawa ka tū hei Mema Pāremata ā-rohe (MP).

Ka taea e ngā MP ā-rohe te tū i tētahi rohe pōti Māori, rohe pōti whānui rānei.

I te wā e kōwhiri ana i tētahi MP ā-rohe, ka taea e ngā kaipōti Māori te whakatau mēnā ka hiahia pōti rātou mō ngā kaitono i tētahi rohe pōti Māori, rohe pōti whānui rānei, engari kua ngā mea e rua. Ko ngā Māori e hiahia ana ki te pōti i te rohe pōti Māori, me noho ki te rārangi pōti Māori.

Ko te rārangi kei runga koe, ka whakatau i te hunga ka taea e koe te kōwhiri ake hei māngai mōu i te pāremata, ā, i te kaunihera ā-rohe hoki. Ka āwhina anō rārangi kei runga koe ki te whakarite i te maha o ngā rohe pōti Māori, Whānui hoki, me ngā rohenga pōti mō ngā pōtitanga whānui e rua e whai ake.

Ka taea e ngā kaipōti Māori te kōwhiri ake ki te whakawhiti mai i ngā rārangi e rua, te rārangi whānui me te rārangi Māori. E kīia ana tēhei te Kōwhiringa Pōti Māori. Ko te āheinga ki te whakawhiti rārangi ka tatū ia rima ki te ono tau anake.

## E hiahia ana mātou i ō whakaaro

E whai whakaaro ana te Kāwanatanga mēnā e tika ana ki te panoni i te wā me te auautanga o te Kōwhiringa Pōti Māori.

Hei hipanga tuatahi, e hiahia ana te Kāwanatanga ki te rongoa mai i te iwi Māori. Ka whakamahia ō whakautu e Te Tahū o te Ture hei āwhina ki te tohutohu i te Kāwanatanga mō te Kōwhiringa Pōti Māori.

Ka taea e koe te imēra mai i a mātou me ō pātai, whakahoki kōrero rānei ki [electoral@justice.govt.nz](mailto:electoral@justice.govt.nz)

## He whakamārama

*He aha Te Kōwhiringa Pōti Māori, ā, ka pēhea e mahi ai?*

Ko te Kōwhiringa Pōti Māori te ahuatanga e taea ai e ngā kaipōti whakapapa Māori ki te kōwhiri i waenga i ngā rārangi pōti whānui, rārangi pōti Māori rānei.

I te wā ka whakauru tuatahi ngā kaipōti Māori, ka āhei rātou ki te kōwhiri mēnā ka noho rātou ki te rārangi pōti Māori, rārangi pōti Whānui rānei. Ina oti te rēhita, ka taea anake te whakawhiti rārangi pōti hei te wā o te Kōwhiringa Pōti Māori. Ka puta mai te āheinga ki te whakawhiti rārangi i ia rima ki te ono tau anake.

*He aha te tikanga o tēnei kōwhiringa mā te kaipōti Māori i ngā pōtitanga whānui?*

Ki te kōwhiri koe i te rārangi Māori, ka āhei te pōti anake mō tētahi kaitono i tētahi rohe pōti Māori e noho ana koe. Mēnā kei runga koe i te rārangi whārangi, ka āhei te pōti anake mō tētahi kaitono o te rohe pōti whānui e noho ana koe.

*He aha te tikanga o tēnei kōwhiringa mā te kaipōti Māori i ngā pōtitanga mō ngā kaunihera ā-rohe?*

Ka whai pānga pea tō kōwhiringa rārangi pōti ki tō pōti i ngā pōti kaunihera ā-rohe mēnā kua waihangatia mai e tō kaunihera he Rohe Pōti Māori i raro i te Local Electoral Act 2001. Ki te kōwhiri koe ki te noho ki te rārangi pōti Māori, ā, ka whakatau tō mana ā-rohe ki te hanga Wāri Māori, Rohe pōti Māori rānei, ka taea anake e koe te pōti mō tētahi kaitono i te Wāri Māori.

*E whakamahia ana ngā mōhiohio Kōwhiringa Pōti Māori mō te aha?*

Ko te nui o ngā rohe pōti Māori, rohe pōti whānui hoki ka whakatauhia i runga i ngā hua o te Kōwhiringa Pōti Māori me te tauranga whānui taupori.

Kei te ahua o te nui o ngā Māori kua whakauru atu ki te rārangi pōti Māori i te mutunga o te wā Kōwhiringa Pōti Māori, te whakatau mēnā ka piki, ka heke, ka noho ōrite tonu rānei te nui o ngā rohe pōti Māori. Ka maha atu ngā tāngata i te



rārangi pōti Māori, ka maha atu pea ngā rohe pōti Māori ina arotakehia ngā roherohenga.

Ka āwhina hoki te maha o ngā Māori e whakauru ana ki te rārangi pōti Māori ki te whakatau i ngā roherohenga o ngā rohe pōti Māori, whānui hoki, i te wā ka arotakehia ngā roherohenga.

Mā te whakahou auau i ngā roherohenga rohe pōti e whakarite ai i te ōritetanga o te maha o ngā tāngata i ia rohe pōti. Ka tuku tēnei ki ngā tāngata katoa o Aotearoa te whakakanohitanga ōrite i te Pāremata.

*He aha i tū ai te Kōwhiri Pōti Māori i ia rima ki te ono tau i tēnei wā?*

Ko te wāhanga o te Kōwhiringa Pōti Māori e herea ana ki te wāhanga o te tauranga whānui taupori, ka tū ia rima tau.

E kī ana ngā ture o nāianei o te Electoral Act 1993, ka taea anake te whakahaere Kōwhiringa Pōti Māori i te tau e whakahaeretia ana he tauranga whānui taupori (te tau whai muri mai rānei, mēnā kei te tau ōrite te pōtitanga whānui i tō te tauranga whānui taupori). Nā, ko te tikanga ia o tēnei, ka taea te whakamahi i ngā mōhihio Kōwhiringa Pōti Māori i te taha o ngā mōhihio tauranga whānui taupori ki te arotake i ngā roherohenga.

Ko te tikanga o te hononga o te wā Kōwhiringa Pōti Māori ki te tauranga whānui taupori me te arotake roherohenga, ka pono ake te ōrite o te maha o te tāngata i te nuinga o ngā rohe pōti Māori i waenganui i ngā arotake roherohenga, i te mea kāore e taea e ngā tāngata te whakawhitihiti.

**He aha tātou e tiro nei i te Kōwhiringa Pōti Māori? ināianei?**

Ko te āhuatanga e mahi ana te Kōwhiringa Pōti Māori ināianei, me noho ngā kaipōti i runga i te rārangi pōti o nāianei mō tae atu ki te rua pōtitanga whānui i mua o te whai wāhi ki te whakawhitihiti anō.

Hei tauranga, i tū te Kōwhiringa Pōti Māori tōmua i te 2018, ā, ka tū te Kōwhiringa Pōti Māori e whai ake nei hei te 2024.

Ko te tikanga o tēnei, he nui te hunga Māori e ngana ana ki te whakawhitihiti ki tētahi atu rārangi pōti engari me tatari rātou ki te wā whakarite whai ake kia taea ai tērā.

Kua whakaarohia ake te wā me te auautanga o te Kōwhiringa Pōti Māori hei take mō te hia tau. Kua tūtohu te Kaitiaki Take Kōwhiri kia taea e ngā kaipōti Māori te panoni momo rārangi i ngā wā katoa e hiahia ana rātou, e tutuki pai ai ngā hiahia o ngā kaipōti Māori.

**He pātai**

He aha ō whakaaro mō te wā me te auautanga o te Kōwhiringa Pōti Māori – he aha ngā mahi whai hua, kāore rānei, ā, he aha ai?

He aha ngā āhuatanga nui rawa i te wā e whai whakaarotia ana tētahi panonitanga ki te Kōwhiringa Pōti Māori?

**He panonitanga pea ki te Kōwhiringa Pōti Māori**

Ko tētahi panonitanga pea ki te wā me te auautanga o te Kōwhiringa Pōti Māori ko te whakahaere i te Kōwhiringa Pōti Māori i ia huringa pōtitanga.

Mahue te whakahaere i muri mai i te tauranga, ka tū kē te Kōwhiringa Pōti Māori i ia toru tau, kia hāngai ai ki te huringa pōtitanga o nāianei.

Ka āhua ōrite tonu ki te pūnaha o nāianei, otirā ko te tikanga, ka whakahaeretia te Kōwhiringa Pōti Māori i tētahi wā motuhake, ā, e kore e taea e ngā kaipōti te panoni rārangi i waho atu o aua wā.

*E kore tētahi panonitanga ki te Kōwhiringa Pōti Māori e panoni i te tukanga arotake roherohenga*

E kore tētahi panonitanga ki te Kōwhiringa Pōti Māori e panoni i te auautanga o te arotake i ngā roherohenga rohe pōti, i ngā mōhihio rānei ka whakamahia ki te arotake i aua roherohenga - ka whai tonu te arotake roherohenga i te tukanga rima tau e herea ana ki te tauranga.

**He pātai**

Ki ō whakaaro ka whaihua taua huringa ki ngā kaipōti Māori me te wheako pōti mā te Māori?

He ara whaihua ake anō ki te wā me te auautanga o te Kōwhiringa Pōti Māori?

# Timing and frequency of the Māori Electoral Option

## Introduction

In a general election, everyone gets two votes.

You get to vote for the party you want to be in government. Your other vote is for a candidate to represent the area you live in (your electorate). The person with the most votes becomes your local Member of Parliament (MP).

Local MPs can either represent a Māori electorate or a general electorate.

When choosing a local MP, Māori voters can decide whether they want to vote for candidates in either the Māori electorate or a general electorate, but not both. Māori who want to vote in the Māori electorate must be on the Māori electoral roll.

The roll you are on affects who you get to choose from to represent you in Parliament and in local government. The roll you are on also helps to set the number of Māori and General electorates and the electorate boundaries for the next two elections.

Māori voters can choose to move between the general or Māori electoral rolls. This is called the Māori Electoral Option. The ability to move rolls only occurs once every five to six years.

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## We want your feedback

The Government is considering whether amendments to the timing and frequency of the Māori Electoral Option should be made.

As a first step, the Government wants to hear from Māori. The Ministry of Justice will use your feedback to help advise the Government on the Māori Electoral Option.

You can email us with any questions or feedback at [electoral@justice.govt.nz](mailto:electoral@justice.govt.nz)

## Background information

*What is the Māori Electoral Option and how does it work?*

The Māori Electoral Option is where any voter of Māori descent can choose to move between the general or Māori electoral rolls.

When Māori voters first enrol, they get the option to choose to be on the Māori or General roll. Once enrolled, they can only move rolls during a Māori Electoral Option. The ability to move rolls occurs only once every five to six years.

*What does the choice mean for a Māori voter at general elections?*

If you are on the Māori roll, you can only vote for a candidate in the Māori electorate you live in. If you are on the general roll, you can only vote for a candidate in the general electorate you live in.

*What does this choice mean for a Māori voter at local elections?*

The electoral roll type you choose may have an impact on your vote in a local authority or council election if your local authority has created Māori Wards or Constituencies under the Local Electoral Act 2001. If you choose to go on the Māori roll and your local authority decides to create a Māori Ward or Constituency, you could only vote for a candidate in a Māori Ward.

*What is the Māori Electoral Option information used for?*

The number of Māori and general electorates is set using results from the Māori Electoral Option and the population census.

The number of Māori enrolled on the Māori roll at the end of the Māori Electoral Option period could mean that the number of Māori electorates increases, decreases, or stays the same. The more people on the Māori roll, the more Māori electorates there could be when the boundaries are reviewed.



The number of Māori enrolled on the Māori roll also helps to determine the boundaries of Māori and general electorates when the boundaries are reviewed.

Regularly adjusting the electorate boundaries makes sure each electorate has about the same number of people. This gives all New Zealanders equal representation in Parliament.

*Why does the Māori Electoral Option currently only happen every five to six years?*

The timing of the Māori Electoral Option is currently tied to the timing of the population census, which is held every five years.

The current rules in the Electoral Act 1993 state that a Māori Electoral Option can only be held in a year that a population census is taken (or the next year, if the population census is in the same year as a general election). This then means the Māori Electoral Option information can be used alongside the population census information to review the boundaries.

The Māori Electoral Option timing being linked to the population census and the boundary review means there is certainty that most Māori electorates will have about the same amount of people in them between each boundary review as people are not able to move back and forth.

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## Why are we looking at the Māori Electoral Option?

The way the Māori Electoral Option currently works means that voters have to stay on their current roll for up to two general elections before having the opportunity to move again.

For example, the last Māori Electoral Option was held in 2018 and the next Māori Electoral Option will be held in 2024.

This means that many Māori who try to move rolls are unable to do so and have to wait until the next administrative window.

The timing and frequency of the Māori Electoral Option has been raised as an issue for a number of years. The Electoral Commission has recommended that Māori voters be able to change roll type at any time to better meet the needs of Māori voters.

## Questions

What do you think about the current timing and frequency of the Māori Electoral Option – what works well, what doesn't, and why?

What factors do you think are most important when considering a change to the Māori Electoral Option?

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## Potential change to the Māori Electoral Option

A potential change to the timing and frequency of the Māori Electoral Option would be to hold a Māori Electoral Option period every electoral cycle.

Instead of holding it following a census, the Māori Electoral Option would be held every three years, aligning with the current electoral cycle.

Similar to the current system, this would mean that the Māori Electoral Option would be held within a specified period and voters could not change rolls outside of that time.

*Any change to the Māori Electoral Option would not change the boundary review process*

Any change to the Māori Electoral Option would not change how often the electorate boundaries are reviewed or what information is used to review the electorate boundaries - the boundary review will continue to be a five-yearly process tied to the census.

## Questions

Do you think this change would work for Māori voters and the Māori voting experience?

Are there other approaches to the timing and frequency of the Māori Electoral Option that would work better?

**Annex Three: Draft consultation letter on political donations**

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See separate document.

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(Page 26 and 27 withheld under s9(2)(g)(i))



## Attachment 1: Background to political donations rules

There is a clear public interest in understanding the potential financial influences on political parties and candidates. The regulation of political financing – especially donations – is important to maintain public trust in the integrity of our electoral system. The rules must balance the needs of public transparency and democratic participation.

Donations have long been accepted as a legitimate form of political participation in New Zealand. There is also a clear public interest in understanding the potential financial influences on key participants in our democratic system (i.e. political parties and candidates). Appropriately regulated political finance forms the foundation for maintaining trust in both the integrity of our electoral system and the key institutions of a democratic government.

Regulation of political donations therefore needs to weigh up competing factors such as:

- preventing political donations from having an improper influence on electoral outcomes;
- preserving freedom of political expression (i.e. freedom to support any eligible candidate or party one chooses) and association and supporting donors' right to privacy (where there is no public interest in disclosing personal information);
- ensuring political parties can access financial support to play a robust role within an MMP system; and
- the need for rules to be efficient and practical for participants (e.g. candidates, parties and promoters) and the Electoral Commission.

### Targeted changes focusing on improving transparency

The Ministry of Justice has identified a package of changes that would improve the overall transparency and openness of political funding, without unduly restricting donors' ability to donate, or parties' and candidates' ability to raise the funds they need. There are also several opportunities to simplify the administrative complexity of the rules which should aid compliance. The proposed changes are set out in **Table 1**.

Proposed changes to **disclosure rules and thresholds** include:

- lowering public disclosure threshold for donations to \$1,500 for parties;
- increasing frequency of donation reporting;
- removing the requirement to disclose the identity of donor and amount for donations that exceed \$30,000; and
- introducing requirements for parties and candidates to disclose more details about in-kind donations.

Proposed changes to **reporting** include:

- introducing reporting requirements for non-anonymous donations under \$1,500; and
- introducing a requirement for parties to publicly disclose financial statements; and
- introducing a requirement for candidates to disclose electoral-related loans.

**Table 1: Package of changes that could be made prior to 2023 General Election**

Proposed change	Who is impacted?	Merits	Impacts / Risks
<b>Changes to disclosure rules and thresholds</b>			
1 Lower public disclosure threshold for donations to \$1,500 for parties (which is currently set at \$15,000 for parties and \$1,500 for candidates)  This would also remove the need to report in bands of up to \$5,000 and \$15,000	Parties Donors	<ul style="list-style-type: none"> <li>Improves transparency of donations</li> <li>Could remove some administrative complexity, as only one reporting threshold, and aligned with other thresholds</li> <li>Removes ambiguity (and possible incentives) and need to interpret the intended recipient (i.e. party or candidate) of donations which have different disclosure thresholds</li> </ul>	<ul style="list-style-type: none"> <li>Could reduce the amounts donated so they sit below the new (lower) threshold</li> <li>May have unintended consequence of encouraging donors to split donations so they sit under the anonymity threshold</li> <li>Reduces donor privacy (however this is somewhat offset by the protected disclosure mechanism)</li> </ul>
2 Increase frequency of donation reporting (e.g. change from annual reporting to 3- or 6-monthly)	Parties	<ul style="list-style-type: none"> <li>Improves transparency of donations, as information is available more regularly</li> </ul>	<ul style="list-style-type: none"> <li>Would increase compliance activity, and in non-election years may have little information to report</li> </ul>
3 [Along with proposal 2] Remove the requirement that for donations that exceed \$30,000 the identity of donor and amount must be publicly disclosed within 10 days of receipt (via Electoral Commission)	Parties	<ul style="list-style-type: none"> <li>Significantly reduces administrative complexity and risk of inadvertent non-compliance</li> <li>Removes incentives for donors to split or channel donations so they sit under the reporting threshold</li> </ul>	<ul style="list-style-type: none"> <li>Will delay the disclosure of large donations; this risk could be mitigated by retaining the 10-day rule in the lead up to a general election only</li> <li>Would need to consider proportionate mechanisms for non-compliance (e.g. de-registration as a political party after an agreed period)</li> </ul>
4 Introduce requirements for parties and candidates to disclose more details about in-kind (i.e. non-cash) donations	Parties Candidates	<ul style="list-style-type: none"> <li>Improves transparency of in-kind donations (e.g. auctions, fundraising dinners)</li> </ul>	<ul style="list-style-type: none"> <li>Would increase compliance activity</li> </ul>
<b>Changes to reporting</b>			
5 Require parties and candidates to report on number and total volume of donations under \$1,500 for donations that are not made anonymously	Parties Candidates	<ul style="list-style-type: none"> <li>Improves transparency of donations made by non-anonymous donors (which is currently not a reporting requirement)</li> <li>Aligns reporting requirement for total contributions made by non-anonymous donors with reporting requirement for anonymous donors' total donations</li> </ul>	<ul style="list-style-type: none"> <li>Would increase compliance activity, but only marginally (as parties already collect this information but just do not report on it under current rules)</li> </ul>
6 Require parties to publicly disclose their audited annual financial statements	Parties	<ul style="list-style-type: none"> <li>Increases transparency of financial information, including but not limited to political donations component of overall funding</li> <li>Aligns with similar obligations of other entities, such as charities and non-incorporated societies</li> </ul>	<ul style="list-style-type: none"> <li>May increase compliance activity if parties do not already prepare financial statements (e.g. smaller or emerging parties)</li> </ul>
7 Introduce requirement for candidates to report on loans	Candidates	<ul style="list-style-type: none"> <li>Improves transparency of loans (amount and source of loan)</li> </ul>	<ul style="list-style-type: none"> <li>Would increase compliance activity</li> </ul>

Taken together, the changes in Table 1 would support a more transparent and open approach to political donations. These changes would work best as a package but are not mutually dependent. Some of the changes would make the rules easier to apply. For, by example, removing some reporting thresholds and by aligning reporting threshold amounts for parties and candidates, processing these donations should be administratively simpler for parties.

There are some trade-offs associated with the changes proposed in Table 1, most notably around donor privacy. The Ministry considers this could be balanced by retaining the existing provisions for individuals and non-individuals to make party donations via the Electoral Commission that are not disclosed to the party concerned or the public.

#### *Other issues*

The Ministry's initial consultation with party secretaries identified two further issues which it proposes to explore:

- the effectiveness, efficiency and appropriateness of the current audit approach, including whether or not the system should be 'tiered' for audit purposes (taking into account differing risk profiles and mitigations); and
- issues arising from the absence of accountability rules relating to 'unspent' donations received by candidates, or unregistered parties.
- the possibility of introducing a ban on anonymous donations, similar to the ban on overseas donations, which would potentially have impacts on transparency and also on compliance and reporting requirements.

Any feedback on these issues is also welcome.

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