



ELECTORAL COMMISSION
Te Kaitiaki Take Kōwhiri

Party Donations Return for the year ended 31 December 2009

Send to Electoral Commission, PO Box 3050, Wellington, to arrive by 30 April 2010

For further information and assistance see the Elections NZ website: <http://www.elections.org.nz/rules/parties/parties-nonelection/> or telephone the Electoral Commission at (04) 474 0673

| | |
|----------------------|----------------------------------|
| Party name | AOTEAROA LEGALISE CANNIBIS PARTY |
| Party Secretary name | Irinka Britnell |

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 | |

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: Irinka Britnell date: 15th April 2010
(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 | | | | | Nil |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |
| 7 | | | | | |
| 8 | (add more rows as needed) | | | | |
| Total | | | | | Nil |

| | |
|-------------------------|----|
| Party Secretary Initial | JB |
| Auditor Stamp/Initial | A |

**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 | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| (add more rows as needed) | | | | | |
| Total | | Nil | | | |

| | |
|-------------------------|---|
| Party Secretary Initial | JB |
| Auditor Stamp/Initial |  |

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 overseas donation 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 | | | | |
| Total | Nil | Total | | | (add more rows as needed) |

| Date donation with overseas contribution 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 | | | | |
| Total | Nil | Total | | | (add more rows as needed) |

| | |
|-------------------------|----|
| Party Secretary Initial | JB |
| Auditor Stamp/Initial | |



13th April 2010

Bevan G. Smith

291 Madras Street

P.O. 13457

Christchurch

Dear Bevan Smith

**Letter of Representation for Party Donations Return
for the 2009 calendar year**

This representation letter is furnished in connection with the return of party donations for the 2009 calendar year (the return) by [Aotearoa Legalise Cannabis Party Registered Party Name] (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:
 - 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 2009 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,



Irinka Britnell

Party 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" (and Members of Parliament, for some election expense purposes only).

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**

AUDIT REPORT

**TO THE READERS OF THE RETURN OF PARTY DONATIONS OF AOTEAROA
LEGALISE CANNABIS PARTY**

I have audited the return as attached.

The Return provides information about donations to Aotearoa Legalise Cannabis Party for the year ended 31 December 2009.

PARTY'S RESPONSIBILITIES

The Aotearoa Legalise Cannabis Party is responsible for the Return of Party Donations for the year ended 31 December 2009 in accordance with the Electoral Act.

AUDITOR'S RESPONSIBILITIES

It is my responsibility to express to you an independent opinion on the Return presented by the Party.

BASIS OF OPINION

An audit includes examining, on a test basis, evidence relevant to the amounts and disclosures in the Return.

Other than my capacity as auditor I have no relationship with or interests in Aotearoa Legalise Cannabis Party

DISCLAIMER OF OPINION

Proper records of Party Donations have been kept by Aotearoa Legalise Cannabis Party for the year ended 31 December 2009 as far as appears from my examination of those records. The return fairly reflects the Party Donations according to those records.

While I have examined the banking records of the Party which reconcile with the return there is no practical audit procedure under which I could establish whether there were any other donations outside these records.

I am therefore unable to form an opinion as to whether the Party Donations Return is correct.

My audit was completed on 15 April 2010 and my disclaimer of opinion is expressed as at that date.


CHRISTCHURCH