27 May 2026

[redacted]
By email to: [redacted]

Kia ora [redacted]

OFFICIAL INFORMATION ACT REQUEST 2026/37

On Thursday 30 April you made a request under the Official Information Act 1982 (the OIA) for the following information:

> ***Part 1****: Any internal policy, procedure, guidance material, informal guidance, template correspondence, or operational protocol that sets out or describes the Electoral Commission's process for receiving, reviewing, or responding to a qualified audit opinion (including any opinion qualified due to scope limitation or inability to verify completeness) submitted with a registered political party's annual donations and loans return, for returns filed from 1 January 2022 to the date of this request. If no such policy or process exists in documented form, please confirm that fact.*
>
> ***Part 2****: Any correspondence, including emails, letters, file notes, or records of meetings or phone calls, between the Electoral Commission and any registered political party that refer to, arise from, or relate to a qualified audit opinion (including any opinion qualified due to scope limitation or inability to verify completeness) submitted with that party's annual donations and loans return, for returns filed from 1 January 2022 to the date of this request.*
>
> ***Part 3****: Any briefing papers, board papers, or formal internal advice documents prepared by or for the Electoral Commission regarding:*
> *(a) the adequacy of the current audit framework under the Electoral Act 1993 for verifying the completeness of party donations and loans returns, including any documents recording decisions or conclusions reached by the Commission on this question; or*
> *(b) Key Recommendation No. 4 of the November 2022 report "A report on political party funding in Aotearoa New Zealand" by Max Rashbrooke and Lisa Marriott (Victoria University of Wellington / Te Herenga Waka), which recommended that the Electoral Commission be given the power to audit parties and demand to see documents, including any submission, response, or correspondence prepared by the Commission relating to that recommendation and any documents recording decisions or conclusions reached in response to it.*
> *This Part excludes correspondence with Ministers, which is captured in Part 4.*
>
> ***Part 4****: Any correspondence between the Electoral Commission and the Minister of Justice, or any other Minister responsible for electoral law, that refers to or discusses the Commission's*

audit powers or the audit framework for party annual returns, from 1 January 2022 to the date of this request.

Part 5*: Any legal advice obtained by or provided to the Electoral Commission regarding its powers to respond to, act on, or follow up a qualified audit opinion (including any opinion qualified due to scope limitation or inability to verify completeness) received with a registered political party's annual donations and loans return, from 1 January 2020 to the date of this request. The extended lookback to 2020 is deliberate, as advice may have been sought before the systematic pattern in annual returns became apparent from 2022 onward. If this material is withheld under section 9(2)(h) on the grounds of legal professional privilege, I ask that the Commission confirm: (a) whether any such advice exists; (b) the approximate date or period in which it was obtained; (c) a brief description of the subject matter sufficient to identify the general topic; and (d) whether the advice was provided internally or by external counsel.*

Not all parties have to include an audit report with their annual return of donations and loans. Audit reports are not required if a party received $50,000 or less in donations and did not receive any new loans or have an existing party loan with an unpaid balance of over $15,000. Prior to 1 January 2023 all parties had to provide an audit report.

Parties that receive more than $50,000 in donations or any new loans, or have an existing loan with a balance of more than $15,000 must appoint an auditor to prepare a report on their return, and it is the auditor's job to check the return and provide their opinion.

The auditor must make any examinations that the auditor considers necessary. The auditor must have access at all reasonable times to all records, documents, and accounts that relate to the party's donations and loans and that are held by the party or the party secretary and may require the party secretary to provide any information and explanations that, in the auditor's opinion, may be necessary to enable the auditor to prepare the report.

The auditor must specify in the report any case in which the auditor has not received from the party secretary all the information that the auditor requires to carry out his or her duties, or proper records of the party's donations and loans have not, in the auditor's opinion, been kept by the party secretary.

The auditor will assess whether the party's return and associated record keeping have been within the law. They will state whether, in their opinion, the return fairly reflects donations received and loans entered by the party secretary.

Response to Part 1:

The Commission has standard checks to ensure the return has been completed in full before it is published for public inspection on the Commission's website. The Commission looks for any indication in the return or audit report that there has been a failure to keep proper records of party donations or loans. It is usual for audit reports to provide a qualified opinion because of the inherent limitations of an assurance engagement, which are explained in an audit report. A qualified audit opinion does not result in additional compliance steps being taken.

A copy of the Commission's checklist for the 2026 annual party returns of donations and loans is released, see **Appendix A**. The Commission has used the same form of checklist for returns for the period covered in your OIA request (for returns filed since 1 January 2022), with minor amendments to reflect changes in the reporting limits for donations.

Response to Part 2:

This aspect of your request is declined under section 18(e) of the OIA as no such correspondence exists.

Response to Part 3:

While the Commission has not prepared any briefing papers, board papers, or formal internal advice documents on the matters you raise in Part 3 (a) and (b), for completeness we would direct you to the following commentary made by the Commission on audit requirements in its November 2022 submission to the Independent Electoral Review Panel:

Audit requirements

3.55 Currently during the electoral cycle, each political party must lodge annual returns of party donations and loans, a return of party election expenses following the election, and disclosure within 10 working days of any loans or donations exceeding $30,000. The annual returns of donations and loans and the return of party expenses must be audited.[59]

3.56 A person carrying out the audit must be a Chartered Accountant within the meaning of section 19 of the New Zealand Institute of Chartered Accountants (NZICA) Act 1996.

3.57 There has been significant revision to auditing standards since the audit requirements were included in the Act. The Commission has been advised that the statutory language is not as clear as it could be about the objective of the audit requirements, the applicable standard that is to be applied, and whether the engagement required is reasonable assurance audit or limited assurance review.

Recommendation made in report on 2014 General Election	Page
The Commission believes that it is timely that the audit requirements in the Electoral Act are reviewed in consultation with Chartered Accountants Australia and New Zealand, the New Zealand Auditing and Assurance Standards Board, and party auditors. The review should determine what level of assurance is appropriate to ensure effective accountability of the party expenses, donations, and loans requirements and consider whether the current audit provisions in the Electoral Act continue to be fit for purpose.	24

[59] Subject to the passing of the Electoral Amendment Bill 2022 parties will also be required to file financial statements with the Electoral Commission and some of the thresholds and audit requirements will change.

The Commission's 2022 submission replicates the recommendation made at para 202 of its report on the 2014 General Election available here.

Response to Part 4:

This aspect of your request is declined under section 18(e) of the OIA as no such correspondence exists. The Commission has not made recommendations specific to Commission audit powers, but has made recommendations regarding enforcement in general including:

- Rec 24 in the Electoral Commission's report on the 2020 general election:

  The Commission supports the previous Justice Committee recommendations for legislative change to give the Commission investigatory, enforcement and sanction powers.

- Rec 27 in the Electoral Commission's report on the 2023 general election**:**

  The Commission also recommends Parliament considers whether the Commission be given the power to require the production of documents to better enable the Commission to manage its compliance function in relation to electoral offences.

Copies of all of the Commission's previous statutory reports are available on www.election.nz at the following link: Past elections | Elections NZ.

Response to Part 5:

This aspect of your request is declined under section 18(e) of the OIA as no such legal advice exists.

In the interests of transparency, we release responses to OIA requests every 3 months. We will publish this response with your personal details redacted.

You have the right under section 28(3) of the OIA to make a complaint to the Ombudsman if you are not satisfied with the response to your request. Information about how to do this is available at www.ombudsman.parliament.nz or by phoning 0800 802 602.

Yours sincerely

Kristina Temel
Chief Legal Advisor