



NEW ZEALAND POLICE  
**REPORT FORM**

**SUBJECT:** Honourable John BANKS

**ADDRESS:**


**TEXT:** FILE NO; 120427/9334 -  
BREACH OF LOCAL ELECTORAL ACT 2001

**EXECUTIVE SUMMARY**

1. The attached report relates to the investigation into the Honourable John BANKS to assess any criminal liability for alleged irregularities in respect of electoral funding donations pursuant to Section 109[1] of the Local Electoral Act 2001.
2. The Honourable John BANKS in 2010 was the Mayor of Auckland City and ran for election in the 2010 Super City Mayoral Campaign. In becoming a candidate for the election Mr BANKS imposed on himself a number of statutory requirements pursuant to the Local Electoral Act 2001. Specifically the requirement to furnish a return of electoral expenses and electoral donations within 55 days after the official declaration of the election results.
3. Mr BANKS lost the election to Mr BROWN, and the required return for the BANKS campaign was signed by John BANKS on 9 December 2010 and submitted to the Electoral Office.
4. On 27 April 2012, Auckland Police received a formal complaint from the Auckland City Council Electoral Officer, Mr Bruce THOMAS, as they had received a complaint in respect to expenses and donations from the Mr Trevor MALLARD MP for Labour in respect to the 2010 Mayoral election. Mr MALLARD alleges that Mr BANKS breached Section 134 of the Local Electoral Act.

5. Police received two further complaints; from Ms Penny BRIGHT and Ms Lisa PRAGAR, both known Political activists in the Auckland City Area.
6. File 120427/9334 was assigned and a Terms of Reference for the investigation was supplied by Detective Superintendent Peter READ.
7. The investigation specifically related to:
  - 7.1 \$50,000 donation from Mr Kim Dotcom paid by way of two \$25,000 cheques under the account of Megastuff Ltd.
  - 7.2 A donation from Sky City Casino Ltd for \$15,000.
  - 7.3 At \$15,690 donation for advertising listed as Anonymous donation and as an expense in the expense section of The Return.

#### **INVESTIGATION**

8. Investigation reveals that John BANKS was a candidate for the 2010 Election for the Super City Mayoralty. Mr BANKS compiled a team of supporters known as "Team Banksie".
9. Mr BANKS had a number of volunteers on the team and one paid member, 



Mr Dale OFSOSKE, Electoral Officer 2010, Auckland City Mayoral Campaign:

10. Mr OFSOSKE was the Electoral Officer for the Mayoral campaign and confirms that Mr BANKS was a candidate for the campaign and paid the appropriate fee. OFSOSKE describes his office receipting The Return of Electoral Expenses and Electoral Donations ("The Form") within the 55 day time frame set by statute. OFSOSKE recognises the signature on the form as that of belonging to BANKS.

**Mr Nigel MORRISON, Managing Director, Chief Executive Officer Sky City:**

11. Describes his relationship to Sky City and that on 24 May 2010 having given a donation Mr BROWN (candidate and main opposition to Mr BANKS) of \$15,000 they met with BANKS at the offices of Sky City and handed him a cheque for \$15,000.

12. Witnesses associated to Sky City, Mr Peter TREACY, Ms Anna McKINNON will corroborate the circumstances around the arranging of the meeting and the circumstances in making the \$15,000 donation to BANKS.

[REDACTED] ex Manager [REDACTED]  
[REDACTED] Sky City:

13. Describes his role at Sky City and describe a generic phone call with BANKS' treasurer [REDACTED] where a discussion was had in regards to the donation but [REDACTED] could not give any specifics as to what was said in respect of that conversation. [REDACTED] alleges the conversation related to anonymity.

**Mr Wayne Phillip TEMPARO, Security Consultant Kim DOTCOM:**

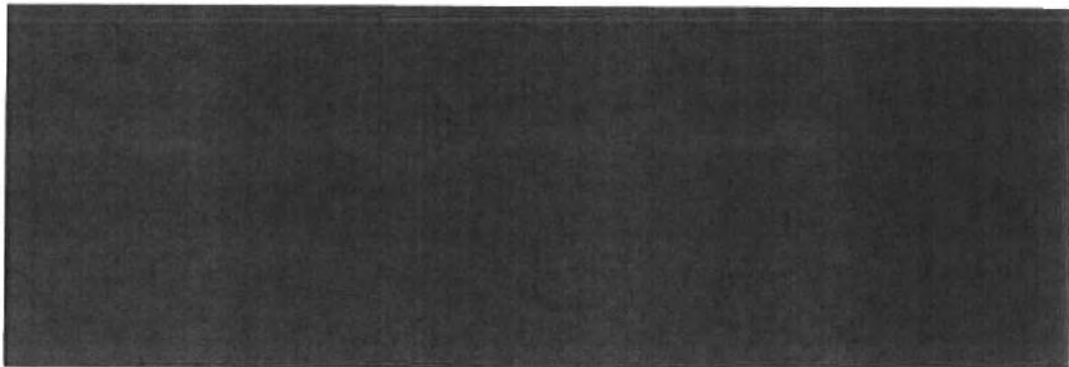
14. Describes his role working for Kim DOTCOM and describe making at least two appointments for John BANKS to visit DOTCOM at his Albany address. The significant meeting was on about 9 June 2010 at the

Coatesville address where he alleges BANKS spoke of the trouble getting funds for his campaign and as a result DOTCOM offered to donate \$50,000. TEMPARO alleges BANKS asked for the cheques to be split into two. TEMPORO arranged the Chief Financial Officer for DOTCOM to issue two cheques which were signed by DOTCOM. TEMPARO describes some of the history between him and BANKS.

**Mr Grant McKAVANAGH: Ex Financial Officer for Megastuff Ltd:**

15. Describes being directed on about 9 June 2010 to write out two cheques for Team Banksie of \$25,000 each. That he subsequently took the cheques and believes that he posted them from Queenstown over the long weekend. Enquiries show that the two cheques were dropped in a drop box at the [REDACTED] Branch on 14 June 2010 before being deposited into the Team Banksie bank account.

**Mrs Moana DOTCOM, wife of Kim DOTCOM:**



**Mr Kim DOTCOM, owner of Megauploads/Megastuff Ltd:**

17. Describes how he met BANKS and details the meeting on 9 June 2010 where he offered BANKS a \$50,000 donation. DOTCOM will describe how BANKS asked for the cheques to be split into two \$25,000 donations and alleges BANKS needed to keep them anonymous so he could "help" DOTCOM. BANKS did not elaborate as to what he meant by help.

18. Mr DOTCOM describes getting a phone call from BANKS where BANKS confirmed receiving the two \$25,000 cheques and thanked him. DOTCOM details his relationship with BANKS post the election.

**Mr Gregory Brett TOWERS, Commercial lawyer for DOTCOM partners Simpson GRIERSON:**

19. Mr TOWERS is a commercial lawyer for Kim DOTCOM. TOWERS had legal privilege waived by DOTCOM to detail a phone call with BANKS in February 2012. TOWERS describes that DOTCOM had been arrested and was on remand at Mt Eden and that he had rung BANKS to seek assistance in getting medical attention for his client. TOWERS describes making a minute on his file where he notes that BANKS declined to assist because it could backfire on DOTCOM considering the support he got for the Mayoral campaign.

**[REDACTED] Treasurer for John BANKS Mayoral campaign:**

20. [REDACTED] describes his previous experience/relationship in working for BANKS as volunteer over four elections. He will describe his understanding of what he believes to be an anonymous donation and the recording of the three donations referred to in the complaint. He will detail why the donations were listed as anonymous in The Return to the Electoral Office and that he prepared the form prior to handing it to BANKS. BANKS asked him if it was true and correct and then signed it after [REDACTED] confirmed that it was.

21. [REDACTED] states to Police that he was solely responsible for preparing the form and deciding what was and what was not anonymous in respect to recording donations. [REDACTED] describes that they were over cautious and even collated multiple donations under one total. [REDACTED] will describe the processes around collecting donations and how he recorded the same.

[REDACTED] - Volunteer fundraiser for John BANKS:

22. [REDACTED]

**TEAM BANKSIE: Volunteers:**

23. [REDACTED]

24. [REDACTED]

[REDACTED] : Donor:

25. [REDACTED] describes how BANKS solicited his help from him so he donated \$15,000 worth of advertising. The amount was discounted by the Radio Bureau because of the discount rate he got [REDACTED]. [REDACTED] The true amount paid was \$11,478.14, inclusive of GST, but was recorded in The Return as \$15690.00 as an anonymous donation and as an advertising expense.

[REDACTED]

26. [REDACTED]

**BACKGROUND ENQUIRIES DONATED**

27. A number of the anonymous deposits were queried as to show course of business but they did not offer any direct evidence to the allegations.

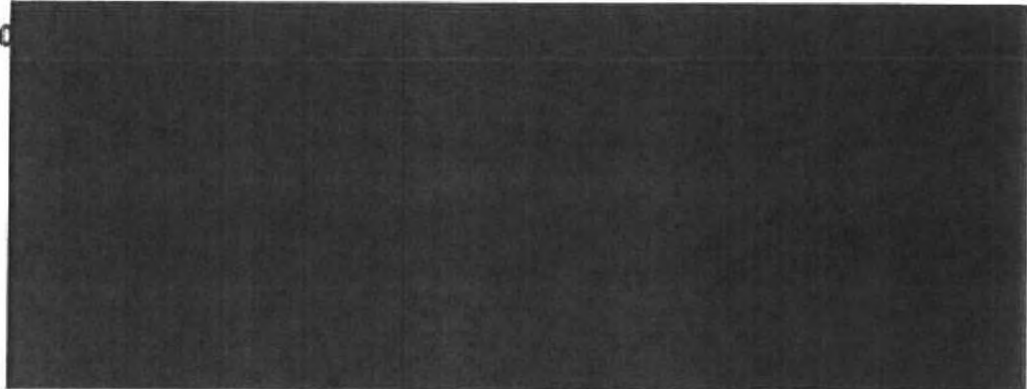
### **EXHIBITS**

28. A number of documentary exhibits were collated on the file to assist in the assessing of the total amounts of donations, where they came from, and their significance to it.

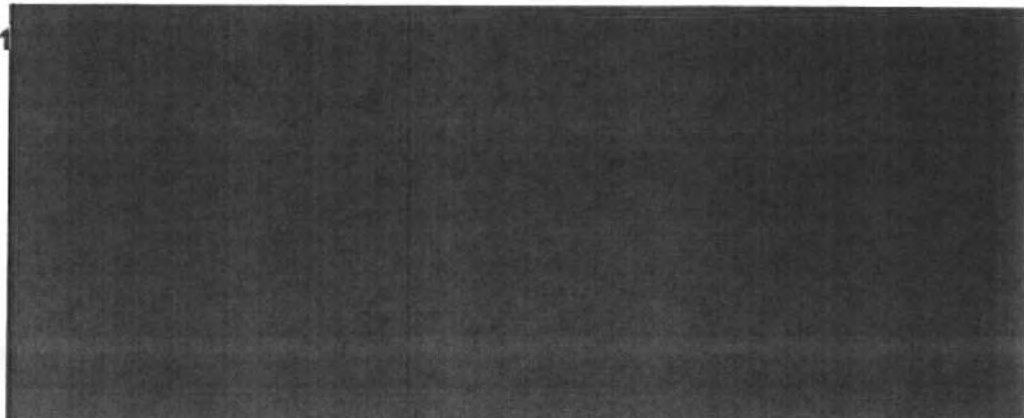
### **BANKS INTERVIEW:**

29. Mr BANKS was interviewed under caution on 15 June 2012 with a three hour interview by Detective Sergeant Carl LEWENS and Detective Adam BICKNELL (level 3). Mr David JONES QC, acting for BANKS was present.

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32.

33.

34.

LAW:

35. The relative sections of the law are detailed in the report, specifically the offence of **Section 134 Local Electoral Act 2001 False return**

36. Mr David JONES Q.C. Barrister acting for John BANKS has supplied a set of submissions in regards to his assessment of any liability.

37. The analysis on the file show that the Police believe there is an offence for 134[1] because of the way the Act interprets Electoral Expenses and Donations and the requirement to submit a return for both under the Act. Thereby we conclude that there is a requirement to record accurately the donation section on the return and by failing to do this could result in a candidate being prosecuted if the elements of Section 134[1] or 134 [2] were satisfied.

### **ANALYSIS:**

38. Further analysis in respect of the evidence collected in the investigation established that the return was wrong in content as the donations for Sky City, Dotcom and [REDACTED] should not have been recorded as anonymous. Additionally the \$15,690 donation by [REDACTED] and the advertising expense should have been recorded as \$11,478.14, inclusive of GST.

39. Police concluded that this would satisfy the requirement of "False" in respect to The Return, but believe that the circumstances do not reach the Evidential Sufficiency Test (assessed against the Prosecution Guidelines) in that Police cannot prove that Mr BANKS knowingly signed The Return in respect to section 134 (1) of the Act.

40. Police conclude that the elements of section 134 (2) are met, but that Police are prevented from charging anyone because of section 14 of The Summary Proceeding Act 1957, in that it falls well outside the 6 month time period for information's to be laid for summary offences.

### **CONCLUSIONS:**

41. The allegations do not meet the evidential threshold in respect to section 134 (1) of the Local Electoral Act 2001.

### **RECOMMENDATIONS:**

42. That the file and my report be reviewed by Legal Section.

43. That should Legal section concur with my findings then the three complainants should be written to and advised of the outcome prior to any media announcement of the outcome of the investigation.

44. That on any O.I.A. request, the information to be released is assessed by Legal Section prior to release to ensure we are not breaching the privacy of individuals in respect to financial details and contributions.

A handwritten signature in black ink, appearing to read 'M. Benefield', written in a cursive style.

**Mark BENEFIELD**  
**Detective Inspector**  
**Criminal Investigation Branch**  
**AUCKLAND CITY**

**03 July 2012**

**Bruce Thomas**  
Electoral Officer  
Auckland Council;  
Private Bag 92300  
AUCKLAND 1342

30 April 2012

Re: Further complaint regarding Hon. John Banks' mayoral election return

Dear Mr Thomas,

Further to my letter of 23 April and your reply of the 27<sup>th</sup> I am writing to request that you investigate another report that Hon. John Archibald Banks, CNZM QSO has submitted a false donation return subsequent to the previous Auckland Council mayoral election.

I refer you to report of Friday 27 April on Campbell Live and Saturday 28 April in the New Zealand Herald.

These reports make it clear that Mr Banks solicited a donation, asked for it to be delivered in a particular way and thanked Mr Dotcom when he received it. The donations cannot be anonymous.

Mr Banks appears to be at fault knowingly not declaring the original donation, transmitting a false return and subsequently for not admitting to and rectifying the mistake. The inference is that this was done to hide Mr Banks' link to Mr Dotcom.

The Local Electoral Act 2001 states that "Every candidate commits an offence who transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000".

As this matter is of high public interest, I ask that you consider investigating it with urgency and refer it to the Police.

Yours sincerely



Trevor Mallard

Bruce Thomas  
Electoral Officer  
Auckland Council  
Private Bag 92300  
AUCKLAND 1042

28 April 2012

Re: Complaint regarding Hon. John Banks' mayoral election return

Dear Mr Thomas,

I am writing to request that you investigate reports that Hon. John Archibald Banks, CNZIM QSO has submitted a false donation return subsequent to the previous Auckland Council mayoral election.

*A New Zealand Herald report from 13 December 2010 states that: "Mr Brown's financial returns include a contribution of \$15,000 from the company among total donations to his cause of \$581,900. SkyCity said yesterday it made an identical campaign contribution to former Auckland City Mayor John Banks - who lost the Super City leadership race despite having \$542,957 at his disposal - although it did not show up as a donor in his returns."*

I understand that this report is correct and no donation from SkyCity is listed in Mr Banks' return. I also understand SkyCity has a policy of ensuring donations are made in public and that Mr Banks' campaign would have been aware of this requirement. However, subsequent to recent media enquiries, a spokeswoman for Mr Banks stated that, "All donations received for Mr Banks' Auckland mayoralty campaign are listed on the public record."

These two positions cannot be reconciled. Mr Banks appears to be at fault knowingly not declaring the original donation, transmitting a false return and subsequently for not admitting to and rectifying the mistake. The inference is that this was done to hide Mr Banks' link to SkyCity. I also understand his return records a donation of "Anonymous - radio ads", which seems implausible, given you would have to coordinate with the donor over the production and completion of the advertisements.

The Local Electoral Act 2001 states that "Every candidate commits an offence who transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000".

As this matter is of high public interest, I ask that you consider investigating it with urgency.

Yours sincerely

  
Trevor Mallard

**BENEFIELD, Mark**

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**From:** Trevor Mallard [Trevor.Mallard@Parliament.govt.nz]  
**Sent:** Monday, 30 April 2012 13:37  
**To:** BENEFIELD, Mark  
**Subject:** Letter attached  
**Attachments:** 30 April 2012 letter to Bruce Thomas.pdf

File 120427/9334

Thank you for your email of 27 April.

Please find attached a copy of a further complaint to Auckland Council with regard to Hon John Banks' false return.

Can you please add this to the file originally referred to you relating to Sky City and radio advertisement donations.

I am assuming that you will deal with these as one matter given it is a single declaration.

if you need further material please do not hesitate to contact me.

Trevor Mallard

+64 21 461 671

[redalert.org.nz](http://redalert.org.nz) | [facebook.com/trevor.mallard1](https://facebook.com/trevor.mallard1) | [labour.org.nz/parliament](http://labour.org.nz/parliament) | [twitter.com/trevormallard](https://twitter.com/trevormallard)



27 April 2012

Official Information Request No. 9000115547  
(Please quote this in any correspondence)

Trevor Mallard  
MP for Hutt South  
[trevor.mallard@parliament.govt.nz](mailto:trevor.mallard@parliament.govt.nz)

Dear Sir

**Complaint regarding Hon John Banks' mayoral election return**

I refer to your letter of 23 April 2012 and email of 26 April 2012 lodging a complaint to the accuracy of John Banks' 2010 Auckland Council mayoral electoral expenses and donations return.

I have looked into the matter and advise as follows, firstly on what the legislation states and secondly comments relating to your concerns:

1. Section 103(1) of the Local Electoral Act 2001 (LEA) requires all candidates to complete and submit a prescribed electoral expenses and donations return within 55 days of the official declaration of election results:
  - "(1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must transmit to the electoral officer a return setting out—
    - (a) the candidate's electoral expenses; and
    - (b) the name and address of each person who made an electoral donation to the candidate and the amount of each electoral donation; and
    - (c) if an electoral donation of money or of the equivalent of money is made to the candidate anonymously and the amount of that donation exceeds \$1,000,—
      - (i) the amount of that donation; and
      - (ii) the fact that it has been received anonymously."
2. Section 104 of the LEA defines what an electoral donation is:

"electoral donation, in relation to a candidate at an election,—

  - (a) means a donation (whether of money or the equivalent of money or of goods or services or of a combination of those things) of a sum or value of more than \$1,000 (such amount being inclusive of any goods and services tax and of a series of donations made by or on behalf of any one person that aggregate more than \$1,000) made to the candidate, or to any person on the candidate's behalf, for use by or on behalf of the candidate in the campaign for his or her election; and

Bruce Thomas  
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Auckland Council;  
Private Bag 97300  
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As this matter is of high public interest, I ask that you consider investigating it with urgency and refer it to the Police.

Yours sincerely



Trevor Mallard

Bruce Thomas  
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Auckland Council  
Private Bag 92800  
AUCKLAND 1142

29 April 2012

Re: Complaint regarding Hon. John Banks' mayoral election return

Dear Mr Thomas,

I am writing to request that you investigate reports that Hon. John Archibald Banks, CH2M QSO has submitted a false donation return subsequent to the previous Auckland Council mayoral election.

*A New Zealand Herald report from 13 December 2010 states that: "Mr Brown's financial returns include a contribution of \$15,000 from the company among total donations to his cause of \$581,200. SkyCity said yesterday it made an identical campaign contribution to former Auckland City Mayor John Banks - who lost the Super City leadership race despite having \$345,987 at his disposal - although it did not show up as a donor in his returns."*

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27 April 2012

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BENEFIELD, Mark

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**From:** Bruce Thomas [REDACTED]  
**Sent:** Friday, 27 April 2012 12:35  
**To:** BENEFIELD, Mark  
**Cc:** Dale Ofoske (External)  
**Subject:** FW: Complaint under Section 138 of the Local Electoral Act 2001 (LEA)  
**Attachments:** SKMBT\_C350012042711100.pdf

Dear Mark Benefield,

Please note the attached letter to Trevor Maillard regarding a complaint he made in relation to a 2010 Auckland Council mayoral electoral expenses and donations return submitted by John Banks. In accordance with Section 138 of the Act I am reporting the complaint to the NZ Police.

As advised on the phone, Dale Ofoske was the Electoral Officer for the 2010 elections. He will be able to assist you as well.

Thanks

Bruce Thomas  
Electoral Officer / Public Information Manager

Auckland Council | Level 16 | Civic Administration Building | 1 Greys Avenue | Auckland

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BENEFIELD, Mark

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**From:** Bruce Thomas [REDACTED]  
**Sent:** Tuesday, 1 May 2012 13:52  
**To:** BENEFIELD, Mark  
**Cc:** Bruce Thomas  
**Subject:** FW: Letter  
**Attachments:** 30 April 2012 letter to Bruce Thomas.pdf

Mark, please find attached a copy of the a complaint from Trevor Mallard. This is referred to the NZ police for their investigation.

. Bruce Thomas  
Electoral Officer / Public Information Manager

Auckland Council | Level 16 | Civic Administration Building | 1 Greys Avenue | Auckland  
[REDACTED]

Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)

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**From:** Carlie Bromley [REDACTED]  
**Sent:** Monday, 30 April 2012 1:33 p.m.  
**To:** Bruce Thomas  
**Subject:** Letter

Good afternoon

Please find attached a further letter from Trevor Mallard. A hard copy is in the mail.

Kind regards

Carlie

Carlie Bromley  
Office of Trevor Mallard  
MP for Hutt South  
[REDACTED]

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BENEFIELD, Mark

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From: Bruce Thomas [REDACTED]  
Sent: Tuesday, 1 May 2012 08:47  
To: BENEFIELD, Mark  
Subject: Further complaint under the electoral act.

Hi Mark, we have now received a complaint under the Electoral Act from Trevor Maillards regarding the Kim Dot.Com allegations. Have the police received a complaint direct?

Bruce Thomas  
Electoral Officer | Public Information Manager

Auckland Council | Level 16 | Civic Administration Building | 100 Grey's Avenue | Auckland  
Ph: [REDACTED]  
Visit our website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz)



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**BENEFIELD, Mark**

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**From:** Dale Ofsoske [redacted]  
**Sent:** Friday, 27 April 2012 14:41  
**To:** BENEFIELD, Mark  
**Cc:** Bruce Thomas  
**Subject:** RE: Complaint under Section 138 of the Local Electoral Act 2001(LEA)

Hi Mark

The information I have regarding John Banks campaign for the 2010 Auckland Council mayoralty is:

Campaign Manager was [redacted] - no phone or mobile numbers were given. On a 'John Banks for Mayor' letterhead the only address given is Private Bag 93516 Takapuna.

All election advertising is required to be authorized by the candidate or the candidate's agent, with a physical address. All John Banks advertising was authorized by his agent [redacted]  
[redacted]

[redacted]  
[redacted]  
Let me know if I can be of any further assistance.

Regards, Dale

Dale Ofsoske  
Electoral Officer/Director  
Independent Election Services Ltd

Ground Floor, Steddie House, 24 Wellesley Street, Auckland, New Zealand  
PO Box 5135, Wellesley Street, Auckland 1141, New Zealand  
[redacted]

[www.electionservices.org.nz](http://www.electionservices.org.nz)

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**From:** Bruce Thomas [mailto:[redacted]]  
**Sent:** Friday, 27 April 2012 2:09 p.m.  
**To:** Dale Ofsoske  
**Subject:** FW: Complaint under Section 138 of the Local Electoral Act 2001(LEA)

Dale, can you answer this please

---

**From:** BENEFIELD, Mark [mailto:Mark.Benefield@police.govt.nz]  
**Sent:** Friday, 27 April 2012 1:22 p.m.  
**To:** Bruce Thomas  
**Subject:** RE: Complaint under Section 138 of the Local Electoral Act 2001(LEA)

Hi Bruce,

could you advise if Mr BANKS had a campaign office or from what address he registered his campaign from? Once I have those details I will formally record the complaint and provide you and Mr MALLARD with a file number for referencing.

Regards

**COMPLAINT TO POLICE UNDER s.138 (2) LOCAL ELECTORAL ACT 2001**

DATE: 27 April 2012

**GROUND FOR COMPLAINT:**

The alleged failure of 2010 Auckland Mayoral candidate John Banks to declare a \$15,000 donation from Sky City, as per statutory requirements of s.109 (1) (b) of the Local Electoral Act 2001.

**COMPLAINANTS:** Penny Bright  
Lisa Prager ..

**BACKGROUND TO COMPLAINT:**

On Tuesday 10 April 2012, the complainants, both former Auckland Mayoral candidates, Lisa Prager (2007) and Penny Bright (2010) went to the offices of Independent Electoral Services Ltd, and perused the electoral returns of 2010 Auckland Mayoral candidates John Banks and Len Brown.

**CONFIRMED:**

John Banks did not declare a \$15,000 donation from Sky City.  
(Len Brown did declare a \$15,000 donation from Sky City.)

**STATUTORY DUTIES OF CANDIDATES ARISING FROM LOCAL ELECTORAL ACT 2001**

The statutory duties arising from the Local Electoral Act 2001 are as follows:

**109 Return of electoral expenses**

- (1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must transmit to the electoral officer a return setting out—
  - (a) the candidate's electoral expenses; and
  - (b) the name and address of each person who made an electoral donation to the candidate and the amount of each electoral donation;  
and
  - (c) if an electoral donation of money or of the equivalent of money is made to the candidate anonymously and the amount of that donation exceeds \$1,000,—
    - (i) the amount of that donation; and
    - (ii) the fact that it has been received anonymously.

(2) Every return under subsection (1) must be in the form prescribed in Schedule 2 or to similar effect.

<http://www.legislation.govt.nz/act/public/2001/0035/latest/DLM494759.html>

## Part 1 Preliminary provisions

### 5 Interpretation

- (1) In this Act, unless the context otherwise requires,—  
anonymous, in relation to an electoral donation (as defined in section 104),  
means a donation that is made in such a way that the candidate concerned does  
not know who made the donation.

<http://www.legislation.govt.nz/act/public/2001/0035/latest/DLM93310.html>

.....

### THE ALLEGED OFFENCE:

#### 134 False return

- (1) Every candidate commits an offence who transmits a return of electoral expenses knowing that it is false in any material particular, and is liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine not exceeding \$10,000.
- (2) Every candidate commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who transmits a return of electoral expenses that is false in any material particular unless the candidate proves—
  - (a) that he or she had no intention to mis-state or conceal the facts; and
  - (b) that he or she took all reasonable steps to ensure that the information was accurate.
  - <http://www.legislation.govt.nz/act/public/2001/0035/latest/DLM94799.html>

### DUTY FOR POLICE TO TAKE ACTION IN RESPECT OF OFFENCES:

#### 138 Duty to take action in respect of offences

- (1) If the electoral officer at any election or poll—
  - (a) receives a written complaint that an offence under this Part has been committed; or
  - (b) believes for any other reason that an offence under this Part may have been committed,—the electoral officer must report that matter to the Police together with the results of any enquiries made by the electoral officer that he or she considers appropriate.

(2) Subsection (1) does not prevent any person from reporting an alleged offence to the Police.

**PUBLIC INTEREST:**

[http://www.nzherald.co.nz/act-party/news/article.cfm?o\\_id=359&objectid=10801742](http://www.nzherald.co.nz/act-party/news/article.cfm?o_id=359&objectid=10801742)

NZH article 27 April 2012:

....

Banks did not reveal SkyCity as big donor

By Claire Trevett

5:30 AM Friday Apr 27, 2012

Labour MP Trevor Mallard has lodged an official complaint about Act leader John Banks failing to disclose a \$15,000 donation was from SkyCity during his 2010 Auckland mayoralty campaign.

Mr Mallard lodged the complaint with the Auckland Council electoral officer this week. He also asked the electoral officer to scrutinise "anonymous" donations of radio advertising Mr Banks had included in his return. SkyCity gave \$15,000 each to Len Brown, now mayor, and Mr Banks, his rival, during that campaign.

Although Mr Brown's donation return listed SkyCity as a donor, Mr Banks' listed an anonymous donation of \$15,000. It did not mention SkyCity.

The penalty for knowingly filing a false return is up to two years in prison or a fine of up to \$10,000.

There is a lesser penalty of a \$3000 fine if the candidate did not know it was false. MPs convicted of crimes with a penalty of two years or more can not remain in Parliament.

However, Mr Banks said he was not concerned about the complaint, dismissing it as Mr Mallard "up to his old timeless tricks".

He said he had not known at the time that the donation was from SkyCity and his donations return was accurate as at the date he signed it.

"I signed the document at the said time to the best of my knowledge."

Although SkyCity had subsequently publicly confirmed donations to both candidates he had not considered amending his return or asked further questions of his campaign team.

Asked how it was that Mayor Brown had known about the SkyCity donation yet he had not, the Act leader said his campaign accountants had dealt with the finances for his campaign and he had based his return on the information they gave him.

Asked if it was possible they had known the donation was from SkyCity, he said it was.

Auckland Council's electoral officer, Bruce Thomas, said he would consider the complaint and decide whether to refer it to police.

By Claire Trevett

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BENEFIELD, Mark

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From: Penny Bright [waterpressure@gmail.com]  
Sent: Monday, 30 April 2012 12:52  
To: BENEFIELD, Mark  
Cc: Penny Bright; Lisa Prager  
Subject: OPEN LETTER: Further written complaint to Detective Inspector Mark Benefield (Re File 120427/9334) from Penny Bright and Lisa Prager alleging John Banks knowingly filed a false electoral return re: \$50,000 donated from Kim Dotcom

30 April 2012

Detective Inspector Mark Benefield,  
Field Crime Manager Auckland City District

RE: File 120427/9334

Dear Detective Inspector Mark Benefield,

FURTHER COMPLAINT TO POLICE UNDER s.138 (2) LOCAL ELECTORAL ACT 2001

COMPLAINANTS: Penny Bright  
Lisa Prager ..

#### BACKGROUND:

On Friday 27 April 2012, you formally acknowledged our complaint under the Local Electoral Act 2001 (LEA),  
'in respect to the 2010 Mayoral Election and allegation of a false return made by the now Hon John BANKS  
in respect of his returns under section 109 LEA'.

You advised that at this point in time, that you would be our 'point of contact' and that for future reference  
'File 120427/9334 refers'.

This morning (Monday 30 April 2012), I rang you to advise that at 2pm both myself, Penny Bright and  
Lisa Prager intended to come to Auckland Central Police Station to file a further written complaint,  
alleging John Banks knowingly filed a false electoral return regarding \$50,000 allegedly donated by Kim Dotcom, about which there has been considerable recent publicity.

The basis of this allegation is as has been reported on the front page of the New Zealand Herald,  
Saturday  
26 April 2012:

You advised that it would not be necessary to present this complaint in person, and that it would suffice to send this further complaint by email.

You also advised that the status of a complaint to Police which had a 'file number' meant that it was awaiting to be assigned to someone to investigate.

#### GROUNDS FOR THIS FURTHER COMPLAINT:

The alleged failure of 2010 Auckland Mayoral candidate John Banks to declare a \$50,000 donation, which was allegedly split into two \$25,000 cheques, (allegedly at the request of John Banks); made out in the names of Kim Dotcom (or the name of his company Megastuff Ltd), and the other allegedly made out in the name Mr Wayne Tempero, (Kim Dotcom's bodyguard).

That as this \$50,000 donation was made in such a way that John Banks did know who made it - it was NOT 'anonymous' and should have been declared, in a proper way, as per statutory requirements of s.109 (1) (b) of the Local Electoral Act 2001.

#### 109 Return of electoral expenses

(1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must transmit to the electoral officer a return setting out—

(a) the candidate's electoral expenses; and

(b) the name and address of each person who made an electoral donation to the candidate and the amount of each electoral donation; ...

#### STATUTORY DUTIES OF CANDIDATES ARISING FROM LOCAL ELECTRAL ACT 2001

The statutory duties arising from the Local Electoral Act 2001 are as follows:

#### 109 Return of electoral expenses

(1) Within 55 days after the day on which the successful candidates at any election are declared to be elected, every candidate at the election must transmit to the electoral officer a return setting out—

(a) the candidate's electoral expenses; and

(b) the name and address of each person who made an electoral donation to the candidate and the amount of each electoral donation; and

(c) if an electoral donation of money or of the equivalent of money is made to the candidate anonymously and the amount

BENEFIELD, Mark

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From: Lisa Prager [REDACTED]  
Sent: Monday, 30 April 2012 16:27  
To: BENEFIELD, Mark  
Subject: Re: Complaint under Section 138 of the Local Electoral Act 2001(LEA)

Thank you Mark,

As you know we have now placed a second complaint about donations from Kim.com as well as the Skycity one. (see info from Penny Bright)

I look forward to a swift and in-depth investigation as public interest is high in this case.

Regards  
Lisa Prager  
[REDACTED]

On 27/04/2012, at 3:55 PM, BENEFIELD, Mark wrote:

This email is to formally acknowledge your complaint under the Local Electoral Act 2001(LEA) in respect to the 2010 Mayoral Election and allegation of a false return made by the now Hon John BANKS in respect of his returns under section 109 LEA.

For future reference File 120427/9334 refers.

At this point in time I will be your point of contact.

Regards

Detective Inspector Mark Benefield  
Field Crime Manager Auckland City District  
[REDACTED]

=====

WARNING

The information contained in this email message is intended for the addressee only and may contain privileged information. It may also be subject to the provisions of section 50 of the Policing Act 2008, which creates an offence to have unlawful possession of Police property. If you are not the intended recipient of this message or have received this message in error, you must not peruse, use, distribute or copy this message or any of its contents.

Also note, the views expressed in this message may not necessarily reflect those of the New Zealand Police. If you have received this message in error, please email or telephone the sender immediately



NZ POLICE  
**WITNESS STATEMENT**  
*Statement must be disclosed*  
- 1 of 6 -

II-WS 03/12

IR No.

Statement of: <u>Dale Matthew OFSOSKE</u>	DOB: <span style="background-color: black; color: black;">[REDACTED]</span>
Statement taken by: <u>Dan PHILLIPS</u>	
Date: <u>05/05/2012</u> Time: <u>9.00 AM</u>	

He states

Between 1985 and 2010 I was the Electoral Officer for the Auckland City Council, as well as seven of the eight other councils that now make up the new Auckland Council.

In 2010 I was appointed the Electoral Officer for the elections to form the new Auckland Council. This essentially occurred because of my experience from holding that position in previous councils.

After the 2010 elections the Auckland Council appointed an in-house staff member to be the Electoral Officer and I took up the position of Deputy Electoral Officer.

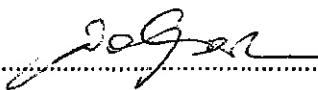
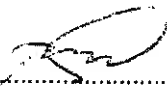
I am also a Director of Independent Election Services Ltd. We are independent of the Auckland Council and provide election related services. We do this on a contractual basis.

The position of Electoral Officer which I held in the 2010 Auckland Council elections is a mandated position under the Local Election Act 2001.

In 2010 every council was required to have an Electoral Officer and that person was responsible for conducting the elections in line with legislative requirements.

The Electoral Officer is independent and can not be directed by either the Council or Government. Their responsibilities are laid out in the Local Electoral Act 2001 and they are responsible for all facets of the local elections.

The actions of the Electoral Officer and the running of the election can be challenged through the courts and they are therefore accountable in that manner. Any person can seek a judicial review to

Signature:  Signature witnessed by: 

P353



NZ POLICE  
WITNESS STATEMENT CONTINUED

II-WS 03/12

- 2 of 3 -

IR No.

Statement of: Dale Matthew OFSOSKE

make sure that the Electoral Officer has conducted the election or parts of it in accordance with the relevant legislation.

The Electoral Officer does not set any of the rules in relation to an election, their role is to make sure that the rules laid out in legislation are followed. Legislation sets out how an election is to be conducted and we generate a timetable for the election based on that process.

In the case of the 2010 Auckland Council Election the main dates were as follows:

23 July 2010 - Nominations / open roll open for inspection.

20 August 2010 - Nomination close.

17 September 2010 - 22 September 2010 - Delivery of voting documents.

9 October 2010 - Election day.

14 October 2010 - Declaration of results / Public notice of results.

Mid December - Return of election expenses and donations forms.

I have provided Detective Phillips with a full list of the relevant dates for the 2010 Auckland Council elections.

Independent Election Services Ltd is a private company that acts as a vehicle to assist me undertaking my duties as the Electoral Officer. The position of Electoral Officer is what is referred to in legislation and whoever holds that position is personally responsible for discharging it's legislated duties. There are serious legal sanctions for failure on the part of a person holding the position of Electoral Officer for not discharging their duties lawfully.

Signature: [Signature] Signature witnessed by: [Signature]

P354



NZ POLICE  
WITNESS STATEMENT CONTINUED

II-WS 05/12

- 3 of 6 -

IR No.

Statement of: Dale Matthew OFSOSKE

A potential mayoral candidate in the 2010 Auckland Council election registered their interest by contacting our office and obtaining a 'Nomination Paper'. They could do this by collecting the form at our office or by requesting that we send it out to them.

The Nomination Paper is then completed and signed by the prospective candidate and must include the details and signatures of two eligible nominating electors.

The completed Nomination Paper along with a \$200.00 deposit then needed to be in the hands of the Electoral Officer no later than 12 noon on Friday the 20th of August 2010.

Included with the Nomination Paper we provided the potential candidates with a 'Candidate Information Booklet.' This booklet is not required by legislation, but we have found they are valuable and sought after resource for the candidates as they set out everything they need to know when running for mayoral office, including all legislative requirements. There is a section that covers all the legislation and procedures in relation to 'Election Expenses.'

I have provided Detective Phillips with a copy of the 'Candidate Information Booklet.'

Along with the Nomination Paper we also provide candidates with a blank 'Return of Electoral Expenses and Electoral Donations' form. This form requires Mayoral Candidates to list the nature and cost of any expenses they accumulated from their campaign, as well as the amount and source of any donations they received for that campaign.

The full requirements in respect of returns is spelt out in sections 104 - 114 of the Local Electoral Act 2001. These sections outline the rules in relation to returns and the onus is on candidates to be aware of and follow these legislative requirements. They are listed in full in the 'Candidate Information Booklet' provided to all applicants.

'Return of Electoral Expenses and Electoral Donations' forms are returned to our office either by post or by hand, or in the case of Political Parties a representative may bring a number in together at the same time.

Signature: .....

Signature witnessed by: .....



NZ POLICE  
WITNESS STATEMENT CONTINUED

BWS 0012

- 4 of 6 -

IR No.

Statement of: Dale Matthew OFSOSKE

Legislation requires the candidates to return those forms within 55 days after of the declaration of results.

When we receive the 'Return of Electoral Expenses and Electoral Donations' forms they are recorded on an Access spreadsheet and then filed within our office. They are required by legislation to be available for public inspection for a period of 7 years.

I have provided Detective Phillips with a copy of our spreadsheet listing Candidate Expense Returns and Refunds for the 2010 Auckland Council election.

No audit of those returns is completed by our office after they are received from the candidates. There is no legislative requirement of the Electoral officer to do so and that is why they are instead able to be inspected by anyone for a period to of 7 years. This allows anyone to check whether they meet the legislative requirements.

We do conduct audits as per section 109 of the Local Electoral Act 2001 to make sure that the 'Return of Electoral Expenses and Electoral Donations' forms have been completed in the correct format.

We also confirm that all candidates have completed their 'Return of Electoral Expenses and Electoral Donations' forms within the specified 55 day period and if they do not we initially send them a letter reminding them of this requirement and if they still fail to return those forms we refer the matter to the Police.

When the 'Return of Electoral Expenses and Electoral Donations' forms arrive at our office they are received by [REDACTED] our Office Manager. They are then put into files and then added to our filing system within the office.

We have four full time staff and they all have access to those files which until recently have been stored openly in the office. I am not aware of there ever having been a case where any items or information have gone missing in the office from these files.

Signature: [Signature] Signature witnessed by: [Signature]



NZ POLICE  
WITNESS STATEMENT CONTINUED

D-WB 03/12

- 5 of 6 -

IR No.

Statement of: Dale Matthew OFSOSKE

Under section 110 of the Local Electoral Act 2001 any person may view those returns. When they do so it occurs in Raewyn's presence and they are only allowed to make notes. They are not allowed to remove or copy any of the documents.

We do not complete a final report to government or the election office as we are not responsible to them. As Electoral Officer I am bound to follow the rules laid out in legislation and am answerable via judicial review only.

Signatures made by applicants on the Nomination Papers and the 'Return of Electoral Expenses and Electoral Donations' are not witnessed by myself or my staff. We take the completed forms on face value and the onus is on the person completing the form to understand their legislated responsibilities and make sure the forms are accurately completed.

We do complete checks to make sure that the people nominating the candidate on the Nomination Paper are eligible to do so. This is done primarily through the electoral roll.

We also make sure that photos are attached, the nomination is receipted and we then enter the candidate details into access.

In relation to the Nomination Paper for the 2010 Auckland Council election completed by John Archibald Banks I can confirm that I recognise his handwriting and signature from having received numerous other documents completed by him over the course of my time as an Electoral Officer.

I also recognise his handwriting and signature on the declaration of the 'Return of Electoral Expenses and Electoral Donations' forms for the 2010 Auckland Council election.

I do not however recognise the handwriting of the person who has itemised the individual expenses and donations on that form. It is different handwriting from what I recognise as belonging to John Banks.

Signature:  Signature witnessed by: 



NZ POLICE  
WITNESS STATEMENT CONTINUED

II-WS 03/12

- 6 of 6 -

IR No.

Statement of: Dale Matthew OFSOSKE

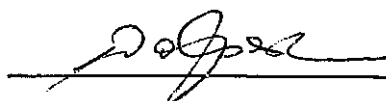
My office supplied to candidates for the 2010 Auckland Council Election the previously mentioned Candidate Information Booklet. Information in regards to the candidate's responsibilities is also outlined on both the 'Return of Electoral Expenses and Electoral Donations' form and the Nomination Paper.

We also conducted 28 meetings throughout Auckland prior to nominations closing where prospective candidates could attend and obtain information in regards to the process and requirements to run for election. Mr Banks did not attend any of those meetings.

The onus still remains on the candidate however to familiarise themselves with all relevant legislation when seeking election and then complying with that legislation.

Everything in this statement is true to the best of my knowledge and belief. I make this statement knowing that it might be admitted as evidence for the purposes of a standard committal or at a committal hearing and that I could be prosecuted for perjury if this statement is known by me to be false or intended by me to mislead.

(Signed)

 1:45 pm 4 May 2012

Statement taken and signature witnessed by:  
(Signature & QID)

 DFI 22

**Formal Written Statement**  
- Summary Proceedings Act 1957, section 162 -

**I Peter Treacy states:**

1. I am currently employed by SKYCITY Entertainment Group Limited as General Counsel, GM Government and Industry Affairs. I have held this role since 2008.
2. I was previously employed by the SKYCITY between July 2005 and 2007 as GM Regulatory Affairs before being made redundant.
3. SKYCITY Entertainment Group Limited operates in the gaming /entertainment, hotel and convention, hospitality, recreation and tourism sectors. The Group has operations in both New Zealand and Australia.
4. SKYCITY is a limited liability company incorporated and domiciled in New Zealand. The address of its registered office is Federal House, 86 Federal Street, Auckland. The company is dual listed on the New Zealand and Australian stock exchanges.
5. In the past SKYCITY have made donations to the two main political parties during their General Election campaigns, though this practice ceased in 2005.
6. SKYCITY had never made donations to candidates for the Mayoral campaigns until they were approached by Len Brown sometime in about March/ April 2011.
7. SKYCITY agreed to make a donation to both main party candidates. This was an executive decision made outside any board meeting and was approved by the Chairman Rod McGeech.
8. It was agreed to give both Len Brown and John Banks \$15,000 each for their campaigns and the payments were made by cheque. The account used to make these payments was the SKYCITY Management Limited account number [REDACTED] held with the ANZ Bank.
9. The cheque given to Len Brown was number [REDACTED] drawn on the above account and made payable to Len Brown for Mayor in the sum of \$15,000 dated 27 April 2010. The cheque requisition was requested [REDACTED]

Manager Government relations and authorised by myself. I produce a copy of the cheque requisition dated 27 April 2010 as **Exhibit 0001** and a copy of the cheque number [REDACTED] as **Exhibit 0002**.

10. On the same day, 27 April 2010 a lunch meeting was arranged at the Orbit Restaurant, SKYCITY to hand over the cheque to Len Brown. At this meeting was myself, Nigel Morrison Chief Executive SKYCITY, Richard Jeffrey CEO Telstar Clear and Len Brown. The cheque which was in a SKYCITY envelope was handed to Len Brown at this lunch. A receipt for this payment has never been received from Len Brown.
11. I produce a series of emails between [REDACTED] and [REDACTED] in relation to the raising of the cheque for Len Brown as **Exhibit 0003**.
12. I have been asked to ascertain when the cheque handed to Len Brown was presented and ANZ Bank have now confirmed that it was credited to an account LBFM on 3 May 2010. I produce a copy of the email confirming this as **Exhibit 0004**.
13. The original cheque raised for John Banks, cheque number [REDACTED] dated 24 May 2010 drawn on the same account as the cheque given to Len Brown was incorrectly made payable to 'John Banks' and not 'Team Banksie 2010' and was voided and replaced with cheque number [REDACTED] also dated 24 May 2010. I produce a copy of the original cheque number [REDACTED] as **Exhibit 0005** and the actual cheque number [REDACTED] as **Exhibit 0006**.
14. Though I was invited to be present when the cheque was handed over to John Banks I did not attend the meeting for some reason I can't recall now. I produce a copy of an email inviting me to the meeting on 24 May 2010 scheduled for 10.30 am as **Exhibit 0007**.
15. SKYCITY did receive a receipt for the payment made to John Banks from [REDACTED] Campaign Treasurer, and this receipt was dated 31 May 2010. I produce a copy of this receipt as **Exhibit 0008**.
16. I do know John Banks as we used to be neighbours some years ago. I can't remember ever discussing with him the donation made by SKYCITY to him.

17. I have been asked to ascertain when the cheque handed to John Banks was presented and Westpac have confirmed that it was presented to "Team Banksia 2010" on 25 May 2010.

18. I am sure that SKYCITY did not stipulate to either candidate that the donations they received were to remain anonymous.

*Everything in this statement is true to the best of my knowledge and belief. It has been made by me knowing that it may be admitted as evidence for the purposes of a standard committal or at a committal hearing, and that I may be prosecuted for perjury for making a statement known by me to be false and intended by me to mislead.*

\_\_\_\_\_  
Signature

Date:

**Formal Written Statement**  
- Summary Proceedings Act 1957, section 162 -

**I Nigel Morrison states:**

1. I am currently employed by SKYCITY Entertainment Group Limited as the Managing Director and Chief Executive Officer and I have held this role for the past 4 years,
2. SKYCITY Entertainment Group Limited operates in the gaming /entertainment, hotel and convention, hospitality, recreation and tourism sectors. The Group has operations in both New Zealand and Australia.
3. SKYCITY is a limited liability company incorporated and domiciled in New Zealand. The address of its registered office is Federal House, 66 Federal Street, Auckland. The company is dual listed on the New Zealand and Australian stock exchanges.
4. SKYCITY was approached by Len Brown's side to make a contribution to their election fund. It was decided that if a donation was made to Len Brown then one should also be made to John Banks.
5. I was involved in the decision making process for SKYCITY to donate to both main party candidates for the Mayoral Elections in about March/April 2010. Once a decision was made to make the donations I emailed Rod McGeoch the Chair for his approval which was forthcoming.
6. I can't recall the exact date but I was present at a lunch time meeting at the Orbit Restaurant, SKYCITY when Len Brown's cheque was handed to him.
7. I can't recall how we notified John Banks of our donation but a meeting was arranged by my Executive Assistant, Anna McKinnon for John Banks to attend a meeting with me at the SKYCITY offices.
8. I can't remember the date of this meeting but I do remember that Anna McKinnon brought John Banks and possibly one other person who was with John Banks to my office.

9. This meeting lasted only about 10 minutes during which time I handed to John Banks the cheque in a SKYCITY envelope, there was no covering letter with the cheque.
10. I am sure that we made it clear to both Len Brown and John Banks that the donations were being made to their election funds by SKYCITY and it was never intended for them to remain anonymous.
11. I have been asked if I know John Banks and I can say only through his previous role as Mayor of Auckland as I now know Len Brown. I have never privately socialised with either of them.

*Everything in this statement is true to the best of my knowledge and belief. It has been made by me knowing that it may be admitted as evidence for the purposes of a standard committal or at a committal hearing, and that I may be prosecuted for perjury for making a statement known by me to be false and intended by me to mislead.*

\_\_\_\_\_  
signature

Date:

**Formal Written Statement**  
- Summary Proceedings Act 1957, section 162 -

**I Anna McKinnon states:**

1. I am currently employed by SKYCITY Entertainment Group Limited as Executive Assistant to Nigel Morrison, Managing Director of SKYCITY Entertainment Group. I have held this role for the past 5 years.
2. I have been asked what I can remember about the donation cheques given to Len Brown and John Banks by SKYCITY for the election funds.
3. I am able to recall that I was asked by Nigel Morrison to have some cheques raised by accounts payable for Len Brown and John Banks both for \$15,000.
4. I contacted [REDACTED] by telephone and asked for a cheque to be made out to Len Brown for \$15,000 which was subsequently handed to me. I then gave this cheque to either Nigel Morrison or Peter Treacy.
5. I remember making the reservation at the Orbit Restaurant on behalf of Nigel Morrison in relation to the meeting with Len Brown.
6. On Friday 21 May 2010 I sent an email to Tracey Baxter requesting a cheque to be made out to John Banks, the same as the one previously made out to Len Brown. I had arranged a meeting between Nigel Morrison and John Banks for the coming Monday at 10.30am and obviously required the cheque before then. I produce a copy of this email as **Exhibit 0009**.
7. On Monday 24 May 2010 I sent a further email to Tracey Baxter requesting her to now make the cheque out to 'Team Banksie 2010'. This cheque was to replace the cheque that had already been made out incorrectly. It would appear from the email I was notified to change the payer [REDACTED] I produce a copy of this email as **Exhibit 0010**.
8. I subsequently received the John Banks cheque which I placed in a SKYCITY envelope. I produce a sample SKYCITY envelope as **Exhibit 0011**.

9. On 24 May 2010 I remember collecting John Banks and one other, I can't now recall who was with him and showed them into Nigel Morrison's meeting room. That is the last contact I had with John Banks.

*Everything in this statement is true to the best of my knowledge and belief. It has been made by me knowing that it may be admitted as evidence for the purposes of a standard committal or at a committal hearing, and that I may be prosecuted for perjury for making a statement known by me to be false and intended by me to mislead.*

\_\_\_\_\_  
signature

Date:



NZ POLICE  
WITNESS STATEMENT

Statement must be disclosed

- 1 of 11 -

M-WS 03/12

IR No.

Statement of: <u>Kim DOTCOM</u>	DOB: <u>[REDACTED]</u>
Statement taken by: <u>Dan PHILLIPS</u>	
Date: <u>08/05/2012</u>	Time: <u>1.00 PM</u>

I am speaking to Detective Dan Phillips in relation to my previous interactions with Mr John Banks.

Also present are Paul Davison QC & Detective Sergeant Franich.

He states:

My family and I first came to New Zealand in 2009 for a holiday and decided we liked the country. We rented the mansion at my current address initially for a two month period and then began negotiating a three year lease with an option to buy.

I can't remember exactly when, but sometime in 2009/2010 we began applying to gain residency in New Zealand for our family.

I employ Wayne Temporo to provide security services. In 2010 he informed me that he knew the current Mayor of Auckland John Banks. I don't know how Wayne knows Mr Banks.

I thought it would be a good idea to meet Mr Banks and introduce myself, so a meeting was arranged for mid-April.

I arranged for Mr Banks and a friend [REDACTED] to travel from Mechanics Bay to our home here in Coatesville by helicopter.

The helicopter belongs to Charles Shrimpton and we lease it while we are in the country. [REDACTED] is the helicopter pilot and his contact number [REDACTED].

The meeting with Mr Banks was over lunch and the people present were Mr Banks, myself, [REDACTED], Wayne Temporo and my butler Mark Archers. My wife may have come in occasionally.

Signature: ..... Signature witnessed by: .....



NZ POLICE  
WITNESS STATEMENT CONTINUED

H-WS 03/12

2 of 11 -

IR No.

Statement of: Kim DOTCOM

Mark now works at the Grand Hyatt in Hong Kong.

During the course of the meeting Mr Banks and I talked about our backgrounds and I told him about our experiences in New Zealand. We discussed economic matters and opportunities I believed existed to improve business performance in New Zealand. I mentioned specifically what could be done to improve internet connectivity, for instance with a new high speed broadband cable as it being developed by Pacific Fibre.

The meeting was friendly in nature and we also discussed the fact that my family and I were applying for residency in New Zealand.

Mr Banks informed me that he could help with our residency application.

I don't remember what his exact words were and he didn't say what that 'help' would actually involve.

I believed that as he was a politician and had been a minister of parliament that he would be well connected. He might therefore be able to speak to the appropriate minister and put in a good word.

I didn't expect him to do anything inappropriate on my behalf.

I am involved in a range of businesses and IT start-up ventures that I believe would assist New Zealand and I thought Mr Banks might explain the potential value I could bring to the country.

I was impressed that Mr Banks offered to assist us with our residency application without being asked and for no apparent reward to himself. I thought of him in a positive way as a result and would describe our relationship from that point as friendly.

After meeting with Mr Banks I consulted my legal representatives and explained his offer of assistance. They advised me to not accept his help as it was not necessary and that it might potentially hinder our application if it was viewed badly by the immigration staff making the decision.

Signature: ..... Signature witnessed by: .....