

# **POLITICAL PARTIES AND ELECTIONS ACT 2009**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 2: Political Donations Etc and Expenditure**

##### ***Section 13: “Reasonable excuse” in relation to certain offences under the 2000 Act***

58. **Section 13** makes amendments relating to certain offences contained in the 2000 Act relating to the reporting of accounts, donations and loans and associated defences. The offences and defences in question are listed in *subsections (2) to (6)*. These amendments insert the phrase “without reasonable excuse” in the appropriate place in respect of those offences, and therefore ensures that whether or not there is an reasonable excuse for the act or omission in question is considered in determining whether or not an offence has been committed.
59. In consequence, the amendments also remove the existing separate defence to each offence of having taken all reasonable steps or having exercised all due diligence to ensure that the relevant act or omission did not occur.
60. The offences that are revised so that no offence will be committed where there is a reasonable excuse for the breach are:
- Section 47 – failure to submit proper statement of accounts by registered party to the Electoral Commission;
  - Section 65 – submission of late or incomplete report to Commission by party Treasurer;
  - Section 71S – submission of late or incomplete loans report to Commission by party Treasurer;
  - Paragraph 12 of Schedule 7 – submission of late or incomplete donation report to Commission by regulated donee or responsible person where the regulated participant is a members association; and
  - Paragraph 12 of Schedule 7A – submission of late or incomplete transaction report to Commission by regulated participant or responsible person where the regulated participant is a members association.