



New South Wales

# Electoral Legislation Amendment Regulation 2022

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under—

- (a) the *Electoral Act 2017*, and
- (b) the *Electoral Funding Act 2018*.

DOMINIC PERROTTET, MP  
Premier

## Explanatory note

The object of this Regulation is to amend—

- (a) the *Electoral Funding Act 2018* to insert transitional provisions following the commencement of the *Electoral Legislation Amendment Act 2022*, and
- (b) the *Electoral Funding Regulation 2018* to omit notes, and
- (c) the *Electoral Regulation 2018* to do the following—
  - (i) prescribe an additional class of persons from which the Electoral Commissioner may appoint persons as election officials,
  - (ii) prescribe the period following the close of voting as the period in which postal voting envelopes received by the Electoral Commissioner may be accepted in the scrutiny,
  - (iii) provide that the offence relating to the authorisation of automated telephone calls is an offence for which a penalty notice may be issued.

Amendments made by Schedule 1 are made under a Henry VIII provision that enables the making of regulations to amend the *Electoral Funding Act 2018*, Schedule 2.

## Electoral Legislation Amendment Regulation 2022

### **1 Name of Regulation**

This Regulation is the *Electoral Legislation Amendment Regulation 2022*.

### **2 Commencement**

This Regulation commences on the day on which it is published on the NSW legislation website.

## **Schedule 1      Amendment of Electoral Funding Act 2018 No 20**

### **Schedule 2 Savings, transitional and other provisions**

Insert at the end of the Schedule—

#### **24 Excluded electoral expenditure—Part 3, Division 4**

- (1) This clause applies in relation to the applicable caps on electoral expenditure set out in section 29.
- (2) The amendments made to the meaning of *electoral expenditure* by the *Electoral Legislation Amendment Act 2022*, Schedule 3[3] apply for the whole of the capped State expenditure period for the 2023 State general election.

#### **25 Carry over for quarterly payments**

Section 90(2A), as inserted by the *Electoral Legislation Amendment Act 2022*, Schedule 3[24], extends to any quarter in 2022.

## **Schedule 2      Amendment of Electoral Funding Regulation 2018**

- [1] **Part 2, Division 5 Accounting records of elected members, candidates, groups, associated entities and third-party campaigners**  
Omit the note to the Division.
- [2] **Clause 43 Accounts and records to be kept**  
Omit the note to clause 43(1).

## **Schedule 3 Amendment of Electoral Regulation 2018**

**[1] Clause 5A Election officials: section 81(1)(b)**

Insert before clause 5A(a)—

- (a1) an officer or member of staff of an electoral commission or electoral office of the Commonwealth or of a State or Territory,

**[2] Clause 7A**

Insert after clause 7—

**7A Prescribed period for scrutiny of postal votes received**

For the Act, section 149(1)(b)(i), the period prescribed is—

- (a) for the 2023 State general election—12 days, or  
(b) otherwise—13 days.

**[3] Schedule 1 Penalty notice offences**

Insert in appropriate order in the table—

Section 187A	\$2,750	\$550
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