



New South Wales

Industrial Relations (General) Amendment (Electoral Rolls) Regulation 2024

under the

Industrial Relations Act 1996

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Industrial Relations Act 1996*.

SOPHIE COTSIS, MP
Minister for Industrial Relations

Explanatory note

The objects of this regulation are as follows—

- (a) to require a member's postal address, rather than residential address, to be used in relation to the list of members entitled to vote in an election,
- (b) to provide that the roll for an election may be kept in written or electronic form,
- (c) to enable the returning officer for an election to give a candidate access to the roll for an election if the candidate has been authorised by the Industrial Registrar to have access,
- (d) to specify how access will be given,
- (e) to clarify that expenses incurred in giving a candidate access to the roll for an election must be included in the notification to the Industrial Registrar of all expenses incurred by the returning officer in the conduct of the election.

This regulation is made under the *Industrial Relations Act 1996*, sections 249 and 407.

Industrial Relations (General) Amendment (Electoral Rolls) Regulation 2024

under the

Industrial Relations Act 1996

1 Name of regulation

This regulation is the *Industrial Relations (General) Amendment (Electoral Rolls) Regulation 2024*.

2 Commencement

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

Schedule 1 Amendment of Industrial Relations (General) Regulation 2020

[1] Schedule 3 Conduct of elections for office

Insert “postal” before “address” in clause 19(1)(b)(ii).

[2] Schedule 3, clause 19(3)(b)

Omit “residential”. Insert instead “postal”.

[3] Schedule 3, clause 19(7)

Omit the subclause. Insert instead—

- (7) The roll may be kept in written or electronic form.

[4] Schedule 3, clause 19A

Insert after clause 19—

19A Access to roll

- (1) The Industrial Registrar may authorise a candidate for an election to be given access to the roll for the election.
- (2) Subject to subclause (4), if a candidate is authorised to access the roll, the returning officer must—
 - (a) give the candidate a copy of the roll in written or electronic form, and
 - (b) allow the candidate to inspect a copy of the roll—
 - (i) at the office of the returning officer, and
 - (ii) during business hours at a time agreed with the candidate.
- (3) The returning officer may, before giving the candidate access to the roll, require the candidate to give the returning officer an undertaking that—
 - (a) the candidate’s systems and procedures are adequate to preserve the security of electoral information, and
 - (b) the candidate will, within 20 business days after the completion of the election—
 - (i) return electoral information to the returning officer, or
 - (ii) destroy electoral information.
- (4) If a candidate refuses or is unable to give an undertaking under subclause (3), the returning officer must refuse to give the candidate a copy of the roll.
- (5) A candidate must not, without reasonable excuse, fail to comply with an undertaking given under subclause (3)(b).
Maximum penalty—50 penalty units.
- (6) A person must not use or disclose electoral information unless the information is used or disclosed for a purpose, other than a commercial purpose, in connection with an election.
Maximum penalty—50 penalty units.
- (7) Without limiting subclause (6), electoral information is used for a commercial purpose if it is sold or offered for sale.
- (8) In this clause—
electoral information, in relation to a roll for an election, means—

- (a) copies of the roll, and
- (b) a record of the contents of the roll.

[5] Schedule 3, clause 31(1)

Insert “, including expenses incurred in giving a candidate access to the roll under clause 19A” after “the election”.