

Electoral Regulation 2018

[2018-320]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Electoral Regulation 2018



New South Wales

1 Name of Regulation

This Regulation is the *Electoral Regulation 2018*.

2 Commencement

This Regulation commences on 1 July 2018 and is required to be published on the NSW legislation website.

3 Definition

(1) In this Regulation:

the Act means the *Electoral Act 2017*.

Note—

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Enrolment

For the purposes of section 32 (4) of the Act, an application for enrolment under section 32 (1) or (3), or for a change of address under section 32 (2), must be supported by one of the following:

- (a) if the applicant holds a driver licence issued under the law of a State or Territory—the number of the driver licence,
- (b) if the applicant holds an Australian passport—the number of the Australian passport,
- (c) an attestation as to the applicant's identity that is:
 - (i) in a form approved by the Electoral Commissioner, and
 - (ii) signed by another person who is enrolled.

5 Procedure where same member relied on by 2 or more parties

- (1) This clause applies, for the purposes of section 57 (2) of the Act, where a person is relied on by 2 or more parties as a member of the party for the purpose of qualifying or continuing to qualify as an eligible party.
- (2) In any such case, the Electoral Commissioner must:
 - (a) request the person in writing to nominate, within 30 days of receiving the request, the party entitled to rely on the member, and
 - (b) advise the parties in writing that the Electoral Commissioner has made that request.
- (3) If, as a result of a nomination made by the person or a failure by the person to make a nomination, a party ceases to qualify as an eligible party, the Electoral Commissioner must advise the party in writing of that fact and give the party at least 60 days in which to provide the requisite particulars and declarations of party membership of the necessary number of additional members of the party that it requires to qualify as an eligible party.

5A Election officials: section 81 (1) (b)

The Electoral Commissioner may appoint a person employed or engaged by or on behalf of any of the following as an election official:

- (a) Access Testing Pty Ltd,
- (b) Adecco Australia Pty Ltd,
- (c) Ashdown Consulting Pty Limited,
- (d) Bluefin Resources Pty Limited,
- (e) CGI Technologies And Solutions Australia Pty Limited,
- (f) Clicks Recruit (Australia) Pty Ltd,
- (g) Davidson Executive And Boards Pty Ltd,
- (h) Egloo Technologies Pty Limited,
- (i) Enterprise IT Resources Pty Ltd,
- (j) Future Prospects International Pty Limited,
- (k) Hays Specialist Recruitment (Australia) Pty Limited,
- (l) Hudson Global Resources (Aust) Pty Limited,

- (m) JRH Australia Holdings Pty Ltd,
- (n) Kelly Services Australia Pty Ltd,
- (o) Michael Page International (Australia) Pty Limited,
- (p) People2People Recruitment Pty Limited,
- (q) Precision Sourcing Australia Pty Ltd,
- (r) Programmed Skilled Workforce Limited,
- (s) Quay Appointments Pty Ltd,
- (t) Randstad Pty Limited,
- (u) Saaspeople Pty Ltd,
- (v) Spinifex Recruiting Pty Ltd,
- (w) Techforce Services Pty Ltd,
- (x) The Missing Link Security Pty Ltd,
- (y) The Next Step Recruitment Company Pty Limited,
- (z) The Recruitment Company Pty Limited,
- (za) TL Consulting Group NSW Pty Ltd.

5B Electronic lodgment of nomination papers: section 84 (7)

A nomination paper lodged through an online electronic nomination system made available by the Electoral Commissioner is taken to have been lodged with the Electoral Commissioner.

6 Child protection declarations by candidates—Ombudsman to provide access to documents to Children’s Guardian

The office of Ombudsman is prescribed for the purposes of paragraph (c) of the definition of **prescribed person** in section 98 (4) of the Act.

7 Voting in mobile voting centres—registered how-to-vote card additional requirements

(1) For the purposes of section 118 (9) (c) of the Act, the following are additional requirements:

- (a) not more than one item of the electoral material relating to a candidate that has been registered in response to applications under section 199 (2) of the Act (Applications by or on behalf of parties, groups or candidates) may be made available for perusal by voters at declared facilities,

- (b) not more than one item of the electoral material that has been registered by or on behalf of a body or person in response to applications under section 199 (3) of the Act (Applications by or on behalf of others) may be made available for perusal by voters at declared facilities.

(2) For the purposes of subclause (1) (a):

- (a) in the case of an Assembly general election or by-election, if more than one item of electoral material has been registered in relation to a particular candidate, the one item available for perusal is to be the item nominated to the Electoral Commissioner by:
 - (i) if a registered party has endorsed the candidate for election—the registered officer of the registered party or another person representing that officer, or
 - (ii) in any other case—the candidate, and
- (b) in the case of a periodic Council election, if more than one item of electoral material has been registered in relation to a particular candidate, the one item available for perusal is to be the item nominated to the Electoral Commissioner by:
 - (i) if a registered party has endorsed the candidate for election—the registered officer of the registered party or another person representing that officer, or
 - (ii) if the candidate is included in a group of candidates—the first candidate listed in the group, or
 - (iii) in any other case—the candidate.

(3) For the purposes of subclause (1) (b):

- (a) if more than one item of electoral material has been registered on behalf of an incorporated or unincorporated body, the one item available for perusal is to be the item nominated to the Electoral Commissioner by an officer or representative of the body, and
- (b) if more than one item of electoral material has been registered on behalf of an individual who is not a candidate, the one item available for perusal is to be the item nominated to the Electoral Commissioner by the individual.

8 Official mark on ballot papers

For the purposes of section 165 (3) (c) of the Act, a mark depicting the arms of the State enclosed within a fastened oval belt which bears the words “Electoral Commission” and across the lower half of which is superimposed a banner bearing the words “New South Wales” (whether or not the mark depicts any other decorative matter) is prescribed as an official mark.

8A Exemption from requirement to have name and address on electoral material

(1) For the purposes of section 186 (2) (d) of the Act, the following articles (or classes of articles) are prescribed:

(a) a social media post made by an electoral participant (or on behalf of an electoral participant by an officer, employee or agent of the electoral participant), but only if:

(i) the name and address of the electoral participant was included in or directly linked to the post, and

Note—

For example, a name and address may:

(a) be included at the end of a post, or

(b) be included in a photograph or image attached to or embedded in the post, or

(c) be included in the “about”, “bio” or “impressum” part of the webpage or profile of the person who made the post (or on whose behalf the post was made) that is accessible via a hyperlink or URL included in or accompanying the post.

(ii) no amount was paid to the social media platform provider concerned in connection with the printing, publication, distribution or public display of the post,

(b) a social media post that was not made by an electoral participant (or on behalf of an electoral participant), but only if no amount was paid to the social media platform provider concerned in connection with the printing, publication, distribution or public display of the post,

(c) a letter or email to a person in reply to a letter or email from that person, but only being a letter or email that is not sent as part of a bulk or multiple sending of letters or emails,

(d) a letter or email sent for personal purposes.

(2) In this clause:

address, in relation to an individual, has the same meaning as in section 4 (3) (a) of the Act.

Note—

Section 4 (3) (a) of the Act provides that the **address** of an individual means an address, including a full street address and suburb or locality, that is located in Australia and at which the individual can usually be contacted during the day, but does not include a post office box.

associated entity and **third-party campaigner** have the same meanings as in the [Electoral Funding Act 2018](#).

electoral participant means a party, candidate, member, third-party campaigner or associated entity.

9 Savings—by-elections held before March 2019

The *Parliamentary Electorates and Elections Act 1912* and the *Parliamentary Electorates and Elections Regulation 2008* continue to apply as if that Act and that Regulation had not been repealed (and the Act and this Regulation do not apply) to a by-election that is required to be held before 23 March 2019.

10 Use of historic terms and phrases in instruments and documents

- (1) In any document, a reference to a term used in Column 1 of the Table to this clause is, if used in relation to the general election to be held in March 2019, to be construed as a reference to the corresponding term in Column 2 of that Table.
- (2) In this clause, **document** means any Act or statutory or other instrument, or any contract or agreement (other than the Act or this Regulation).

Table

Column 1	Column 2
polling place	voting centre
pre-poll voting place	early voting centre
returning officer (for an electoral district)	election manager (for an electoral district)
pre-poll manager	early voting centre manager
polling place manager	voting centre manager
child-related conduct declaration	child protection declaration
general postal voter	registered early voter (postal)
declared institution	declared facility
count centre	ballot counting place

Schedule 1 Penalty notice offences

For the purposes of section 263 of the Act:

- (a) each offence specified in this Schedule is an offence for which a penalty notice may be issued, and
- (b) the amount payable under any such penalty notice is the amount specified in this Schedule for the offence.

Column 1	Column 2	Column 3
Provision	Penalty for a corporation	Penalty for an individual

Offences under the Act

Section 183	\$2,750	\$550
Section 184 (1)	\$2,750	\$440
Section 184 (2)	\$330	\$110
Section 185 (1)	\$440	\$110
Section 186 (1)	\$2,750	\$550
Section 187	\$2,750	\$550
Section 191	\$1,375	\$275
Section 193	\$275	\$275
Section 195 (1)	\$2,750	\$550
Section 196	\$1,375	\$275
Section 197	\$275	\$275