

# Regulatory priorities statement

2022-23

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# Introduction

This *Regulatory priorities statement* for the period 1 July 2022 to 30 June 2023 is published in accordance with the Regulatory Priorities Procedures.

The period includes a NSW state general election in March 2023 and potentially state and local government by-elections. The next state-wide local government elections are scheduled to be held in September 2024. This is the NSW Electoral Commission's first annual *Regulatory priorities statement*.

## Purpose

This *Regulatory priorities statement* sets out the NSW Electoral Commission's strategic regulatory focus for 2022-23.

The Regulatory Priorities are informed by a risk-based assessment of legislated regulatory functions and anticipated events.

The Regulatory Priorities support the NSW Electoral Commission to optimise the efficiency and value of its regulatory effort and ensure responses to non-compliance are targeted and proportionate.

## Scope

Staff of the Electoral Commission must be familiar with the Regulatory Priorities.

Staff must consider the Regulatory Priorities when undertaking operational planning and when exercising functions around stakeholder education, audits, inspections, investigations, issuing of penalties and commencement of litigation.

The NSW Electoral Commission and NSW Electoral Commissioner's regulatory powers are exercised in accordance with published policies and procedures.

# Regulatory priorities for 2022-23



## 1. Electoral material and other election-related material does not mislead electors about the electoral process

Support integrity in election campaigning by focusing on:

- electoral and other election-related material published online being clearly attributable to a political party or candidate or a third-party campaigner, where election law requires this
- electoral and other election-related material (such as participant-generated postal vote applications) being designed in a way that does not mislead voters that it is official information issued or collected by the Electoral Commission
- engagement with online platforms to embed protocols for responding to notifications about unlawful material or election-related content that may be contrary to the platforms' terms and conditions.



## 2. Voting in person at NSW elections is free of interference

Support voting in person without interference by focusing on:

- persons appointed by a voter to assist them to vote acting transparently and leaving a voting centre immediately after providing assistance
- electoral material being distributed or displayed so as not to obstruct access to a voting centre
- recording incidents of non-compliance to support future risk-management strategies.



### 3. State registered political party membership information is accurate in the lead-up to the 2023 NSW State election

Support integrity in election participation by focusing on accurate membership information, including assessing the currency of membership claims against any relevant rules under a party's constitution.



### 4. Election participants meet their political donation disclosure obligations for the 2023 NSW State election pre-election period

Support enhanced transparency in the pre-election period for the 2023 NSW State election by focusing on activities that promote compliance with the 21-day period for reporting political donations from 1 October 2022 until election day.



### 5. Regular recipients of enrolment information – such as registered political parties and candidates – handle this personal information securely

Support privacy protection for NSW electors' personal details by focusing on:

- raising awareness about proper handling of enrolment information provided under statute to political parties and candidates
- updating arrangements with other authorised users of enrolment information.



## 6. Third-party lobbyists comply with their Code of Conduct obligations around meeting disclosures

Support government officials and third-party lobbyists to act ethically and lawfully, in accordance with the Code of Conduct, by inviting senior NSW officials to provide deidentified data to the Electoral Commission about disclosures made by lobbyists concerning:

- their registration status
- the purpose of meetings
- the accuracy of information provided
- the identity of clients including foreign principals.



## 7. Electors who vote more than once are considered for enforcement action

Support the integrity of election results by applying fair and robust investigation and enforcement procedures to any cases of identified multiple voting.



## 8. Regulated participants in NSW elections have access to useful and timely information about their key obligations

Support compliance by participants in the 2023 NSW State election (candidates, parties, donors and third-party campaigners) and any other state or local government by-election through initiatives that raise awareness about the main regulatory obligations that apply to elections in NSW.