

Regulatory priorities statement

2023-24

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Introduction

This Regulatory priorities statement for the period 1 July 2023 to 30 June 2024 is published in accordance with the Regulatory priorities procedures. This is the NSW Electoral Commission's second annual Regulatory priorities statement.

Purpose

This Regulatory priorities statement sets out the NSW Electoral Commission's strategic regulatory focus for 2023-24.

The regulatory priorities are informed by a risk 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 and enforcement actions 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 2023-24



1. Enforce compliance with disclosure obligations, particularly those arising from the 2023 NSW State election

Support transparency following the 2023 NSW State election by focusing on:

- activities that promote compliance with reporting political donations and electoral expenditure
- taking appropriate and consistent enforcement action for breaches of disclosure rules and caps, particularly focusing on pre-election period donation disclosure obligations.



2. Strengthen transparency through publication of data about compliance and enforcement activities concerning electoral funding and disclosures

Publish additional compliance and enforcement activity information, such as failure to lodge on time 2023 NSW State election pre-election political donation disclosures.



3. Provide regulated participants in upcoming NSW elections with access to useful and timely information about their key obligations

Support compliance by participants in the 2024 Local Government elections (candidates, parties, donors and third-party campaigners) and any State or local government by-election through initiatives that raise awareness about the main regulatory obligations that apply to elections in NSW.



4. Raise awareness among election participants about prohibited donors

Support integrity in campaign finances in the lead-up to the 2024 NSW Local Government elections (and any state or local government by-election) by educating participants and the public about prohibited donors in NSW, including the new prohibition applying to registered clubs with gambling activities.



5. Maintain accuracy of registered political party membership information in the lead-up to the 2024 Local Government elections

Support integrity in election participation by focusing on:

- accurate membership information, including assessing the currency of membership
- educate newly registered parties and newly appointed senior office holders about their obligations and the rules to remain eligible for registration.



6. Respond to material that misleads electors about the electoral process and undermines integrity

Support integrity in election campaigning by focusing on:

- electoral and other election-related material published online being clearly attributable to a political participant, 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 communication from, or collected directly by, the Electoral Commission
- engagement with other regulators to develop and embed protocols for responding to notifications about unlawful material or election-related content that is misinformation or disinformation
- maintaining the Disinformation register on the Electoral Commission's website and publishing other information to address misleading or inaccurate information about the electoral process.



7. Support voting in person at NSW elections to be safe and free of interference, including for election officials working at polling places

Support voting in person safely and without interference by focusing on:

- training and education for staff and voters on interference and safety challenges at voting centres
- embedding an escalation path for responding to interference and safety challenges at voting centres, including through engaging with NSW Police and local councils
- recording incidents of non-compliance to support future risk-management strategies.



8. To support privacy, educate authorised recipients of enrolment information about handling personal data 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, including expectations for destroying or returning information after an election
- updating arrangements with other authorised users of enrolment information.