



New South Wales

Electoral Amendment (Exemptions) Regulation 2019

under the

Electoral Act 2017

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Electoral Act 2017*.

GLADYS BEREJIKLIAN, MP
Premier

Explanatory note

The object of this Regulation is to exempt certain social media posts, emails and letters that are *electoral material* within the meaning of the *Electoral Act 2017* from the requirement under that Act to show the name and address of an individual on whose instructions the material was printed, published or distributed.

This Regulation is made under the *Electoral Act 2017*, including sections 186 (2) (d) and 267 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Electoral Amendment (Exemptions) Regulation 2019*.

2 Commencement

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

Schedule 1 Amendment of Electoral Regulation 2018

Clause 8A

Insert after clause 8:

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.