

Inquiry into the Administration of the 2019 State Election and Related Matters –

Question on notice – Public Service Association of NSW

We refer to the question asked by the Hon. Peter Primrose on page 38 of the uncorrected hearing transcript, sent 26/11/2019:

The Hon. PETER PRIMROSE: Are there any things in particular? And please feel free to take this on notice. I doubt that there would be any member here who would not believe that if possible the system should be simplified. Are there any things particularly that Unions NSW, NSW Nurses and Midwives' Association or the Public Service Association [PSA] could recommend to this Committee that it may include in its report that would lead the process to be simplified in terms of the reporting format?

Ms MOSS: The PSA does have some suggestions, so we will take that on notice.

This question is regarding suggestions on how the disclosure process could be made more simple and user-friendly. This includes both the process of submitting the actual disclosure, as well as the support provided by the NSW Electoral Commission in navigating the requirements throughout the election period.

Navigating the disclosure rules

The PSA found the navigation process difficult in part because of an under-resourced NSW Electoral Commission. Our organisation received unclear advice from the Commission, a situation that likely could have been avoided had the Commission been properly staffed.

The PSA was also forwarded several anonymous complaints by the Commission, the majority of which turned out to be false accusations. These vexatious attacks on a third-party campaigner went unfiltered through the Electoral Commission, resulting in unnecessary and time-consuming administrative checks for both the PSA and the Electoral Commission.

Since third-party campaigners have been regulated through state legislation, no government has provided a corresponding increase in funding to the NSW Electoral Commission to account for the increased regulatory workload associated with such a wide-ranging regime.

Recommendation:

- That the NSW Government ensures that the NSW Electoral Commission is properly funded and fully resourced at all times.

During the 2019 capped period, the PSA meticulously followed the third-party campaigner legislation. However, as was expressed in our submission to the Committee, the nature of the work that the PSA performs made it extremely difficult to differentiate what constituted campaign activity versus what was simply business as usual.

The PSA position is unique: The Government is the employer of a large majority of our members who work in a very diverse range of areas and therefore who forms government as the result of an election is of direct interest to our members. It also means that the PSA has a responsibility to take

an interest in almost every single NSW public policy issue. The PSA is not single-issue campaigner: every element of a NSW state election campaign is relevant to our members.

Third-party campaigner legislation is targeted mainly at organisations (unions and other community based groups) which have traditionally had a single issue of focus. The PSA does not fit this description, nor does it fit within the legislation for third-party campaigners as currently defined. Uniquely apolitical by charter, the PSA's core business is opposing government decisions regardless of the electoral cycle. We run campaigns based on policy, not politics, and the limits of political campaigns should not apply to our activities.

It is therefore our position that the PSA should only be required to disclose expenditure on activities that are clearly political in nature and not simply an attack on the government and its policies. This would either require altering current third-party campaigner legislation to accommodate the PSA's unique position, or the creation of an entirely new type of campaigner which recognises the unique position of an organisation such as the PSA.

Recommendations:

- That third-party campaigner legislation be re-examined and possibly altered and/or broadened to take into account the unique position of certain third-party campaigners and;
- That potentially a different category is created to acknowledge those campaigners who do not quite fit the current definitions of political parties OR third-party campaigners.

Submittal process

Unlike some other third-party campaigners, the PSA did not have an issue with emailing the file through to the Commission. However, the PSA does believe that the system currently in place is archaic and is in dire need of improvement.

Recommendation:

- Submission of electoral expenditure disclosures should be through an online portal (not a form) where the disclosure is submitted along with an upload of relevant attachments.