

Response to questions taken on notice

The Hon. Courtney Hussos asked in relation to the 'acting in concert' provisions: "That's very helpful. One of the things that we've been dealing with today is just about the questions of administration. Mr Rath and I have asked some similar questions around the barriers to entry that that puts in place for organisations. I mean, The Greens—the nature of them, they would be working with plenty of community-based organisations who might usually participate in the political process. Have you got any feedback from them—or anecdotally, that you have heard—about what these laws do?"

Response

The Greens NSW has not received any direct response on this particular aspect and we note that many community-based organisations attempt to avoid any perception of being partisan - particularly those that rely on public sources of funding. We do appreciate that it is a very complex system. The burden of compliance might also prevent some community groups from contributing during an election and also the perception of risk from the complex nature of the laws that govern election expenditure and funding. We believe that the election system should be open but transparent. The Greens NSW suspect that there are community groups who breach the Act unknowingly due to its complexity. The acting in concert provisions make the system more complex and don't deliver additional transparency.

The Hon. Chris Rath asked in relation to third-party caps for by-election campaigns: "Did you have any views about what the cap should be?"

Response

The Greens NSW do not have a specific figure in mind as for the by-election cap but for the general election cap we felt that it should be on par with a party that stands in the legislative council that has no assembly candidates. As for the by-election caps, The Greens NSW think the most sensible option would be to amend the Third Party Cap to be equal to what it would have been had it not been reset to \$20,000 by the Electoral Funding Act 2018, to at least retain the original proportionality in by-elections.

The Hon. Chris Rath asked in relation to full electoral funding: "I am just interested in how—not that there are any plans to go to full electoral funding. But I'm just interested in how third-party campaigners would relate to a system where there would be full electoral funding for political parties, because you then obviously don't want a situation where third-party campaigners can spend as much as they want and then political parties are constrained by the electoral funding that they're getting from the Government."

Response

The Greens NSW note the hypothetical nature of this question and also that full election funding may present a variety of legal issues as highlighted by the first Unions NSW v NSW case and also the McCloy case. However The Greens NSW would say that if there was to be a full funding arrangement, third party campaigners should still be capped to a level that is equal to what a legislative council party without any legislative assembly candidates would

be able to spend. Rather than looking at a specific dollar amount, the key question is the proportionality to other entities that are able to campaign in an election which is what the court was troubled by in the second Unions NSW v NSW case.