

NSW AND VICTORIAN LIMITATIONS ON STAFFERS

During the hearing Ms Janelle Saffin suggested that I wrote that there is “no rule” about political staff in New South Wales, and that is an incorrect interpretation because electorate officers are bound by rules about what they can and cannot do. What I actually wrote was “no such rule”, in the context of what Victoria requires – and I believe that to be a true statement.

In the submission I wrote:

In Victoria, for example, electorate officers are not permitted to perform “party-specific activity”.³² No such rule appears to apply to political staff in NSW, although the major parties are reportedly leery of using publicly-funded staff to dig up “dirt” on opponents.³³

My use of the term “political staff” is meant to encompass all staff of members of Parliament – including electorate officers and ministerial staff (and, in other jurisdictions, personal staff).

Victorian legislation explicitly prohibits electorate officers from performing “party-specific activity”, with details provided in the *Parliamentary Administration Act 2005* (Vic) and the Electorate Officer Code of Conduct.³⁴

I wrote that “No such rule appears to apply” in NSW because in my research there appear to be no such commensurate rules. Similarly, the Sydney Morning Herald last year quoted a former political strategist as saying:

I won’t take public money for [digging up dirt]. I think if there is to be any reform in staffing full stop, they have to draw a line under using public funds to pay for political operatives.³⁵

This suggests the Australia Institute is not alone in making this inference that “no such rule appears to apply”. That said, we would welcome being corrected on this matter with the equivalent NSW rule to the Victorian prohibition on electorate officers performing party-specific activity.

³² Parliament of Victoria (n.d.) *The role of an electorate officer*, <https://new.parliament.vic.gov.au/about/careers/electorate-officers/>

³³ Baker (2023) ‘It’s a job that rewards cold patience’: Inside the party dirt units, <https://www.smh.com.au/national/nsw/it-s-a-job-that-rewards-cold-patience-inside-the-party-dirt-units-20230228-p5co9e.html>

³⁴ Parliament of Victoria (n.d.) *The role of an electorate officer*

³⁵ Baker (2023) ‘It’s a job that rewards cold patience’: Inside the party dirt units

That is not to say that no rules apply to NSW electorate officers. There are rules about the use of members' staff, including that:

- Parliamentarians should not use public resources to knowingly confer an undue private benefit, and take reasonable steps to follow guidelines or rules about using public resources.³⁶
- Parliamentarians who used electoral or ministerial staff for private purposes or political campaigning, or who claimed staff were attending Parliament when they were in the electorate, have been the subject of Independent Commission Against Corruption investigations.³⁷
- A 2013 report from the Standing Committee on Parliamentary Privilege and Ethics says that "some activities, such as 'direct electioneering' in the context of an immediate campaign" are not permitted. However, it also notes that staff are "inevitably and unavoidably drawn into campaigning and electioneering when they perform day-to-day parliamentary activities".³⁸ Rules may have changed in the intervening decade.

³⁶ See for example the rules for MLAs: Legislative Assembly of New South Wales (2020) *Code of conduct for members*, sec. 3,
[https://www.parliament.nsw.gov.au/members/Documents/Code%20of%20Conduct%20\(adopted%20%20March%202020\).pdf](https://www.parliament.nsw.gov.au/members/Documents/Code%20of%20Conduct%20(adopted%20%20March%202020).pdf)

³⁷ ABC News (2010) *MP admits falsifying pay forms (archived)*,
<https://web.archive.org/web/20101117074623/http://www.abc.net.au/news/stories/2010/05/05/2891263.htm>; Independent Commission Against Corruption (2024) *Annotated code of conduct for members*, <https://www.icac.nsw.gov.au/prevention/corruption-prevention-publications/latest-corruption-prevention-publications/annotated-code-of-conduct-for-members-a-guide-for-members-of-nsw-parliament-january-2024>

³⁸ Standing Committee on Parliamentary Privilege and Ethics (2013) *Electioneering, Campaigning and Doorknocking, and the Role of Electorate Officers*, pp. 4, 6–7,
<https://www.parliament.nsw.gov.au/committees/listofcommittees/Pages/committee-details.aspx?pk=180#tab-reportsandgovernmentresponses>