

INQUIRY INTO THE 2015 NSW STATE ELECTION

Organisation: Public Service Association of NSW
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In reply please quote: A15/0772:DS:mb

Mr Jai Rowell MP
Chair of the Joint Standing
Committee on Electoral Matters
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Mr Rowell

The Public Service Association of NSW thanks the Committee into Electoral matters for inviting us to comment as part of its Inquiry into the 2015 NSW State Election. We acknowledge and support the views contained within the submission of Unions NSW however as a registered Third-party Campaigner in this election, we identified a number of issues we wish to bring to the attention of the committee separately to that document.

We note that the legislative requirements for Third-party Campaigners remain a recent addition to the electoral system. It is our view that the legislation is still immature and has led to a situation where groups such as the PSA were disadvantaged in our ability to represent our members' interests.

The current legislation (Election Funding, Expenditure and Disclosures Act 1981) requires specific campaign funds to be maintained by Third-party Campaigners. This causes issues for groups such as the PSA as they are not organisations structured primarily for campaigning purposes. Ongoing organisations structure staffing payments and operating budgets based on long term goals and their systems are not compatible with legislation designed to reflect the task focus of election campaigning.

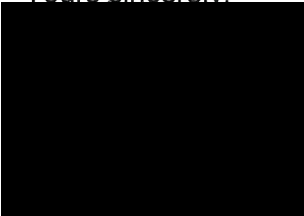
The above issue is further complicated by our experience dealing with the Electoral Commission during the campaign. With the focus of the Commission, understandably, being on the expenditure and requirements for parties and candidates we found it difficult to obtain timely and authoritative advice on our inquiries. The lack of real time advice from the Commission proved difficult considering the requirement to pay all declared expenditure out of the campaign account. The regulation as it pertains to staffing costs of ongoing employees, are prohibitive and unworkable.

It is the suggestion of the Association that Third-party Campaigners be spared the need for a separate account, to be maintained for payment purposes, where they can demonstrate they are not primarily a campaigning organisation. If an exemption to the requirements for separate campaign accounts is not acceptable then we would seek to have the Electoral Commission provided with additional funding to allow Third-party Campaigners access to dedicated and timely responses to its inquiries.

The need of Third-party Campaigners to comply with the regulatory requirements of the Election Funding, Expenditure and Disclosures Act 1981 incurs costs to the organisation that can be out of all proportion to the cost of their actual campaigning. Although the costs of compliance are excluded for parties and candidates under the electoral funding provisions their access to public funding helps offset this cost. As there is no similar public funding for Third-party Campaigners, compliance creates an unnatural barrier for many and restricts their ability to exercise their implied right to freedom of speech during a state election campaign. Third-party Campaigners should have their compliance costs met from public funding.

The Association again thanks the Committee for the invitation to provide a submission to this Inquiry and hopes that our concerns will be addressed by your final report on Electoral matters.

Yours sincerely,



Steve Turner
ACTING GENERAL SECRETARY

21 August 2015