

**Submission
No 1**

**CAPS ON THIRD-PARTY CAMPAIGNERS' ELECTORAL EXPENDITURE IN
S29(11) AND S35 OF THE ELECTORAL FUNDING ACT 2018**

Organisation: Public Service Association of NSW

Date Received: 21 April 2022



Public Service Association of NSW
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In reply please quote:

21 April 2022

Mr Lee Evans
Chair
Joint Standing Committee on Electoral Matters
Macquarie Street
SYDNEY 2000 NSW

Dear Mr Evans

Inquiry into Electoral caps on Third Party campaigners

The Public Service Association (PSA) represents State Public Servants from across all government Clusters, Departments and State Owned Corporations, inclusive of the tertiary education sector within NSW. Our primary role is to represent our members and protect their Industrial rights. We are proud that our membership includes the contact tracers who stopped the pandemic, and members from various emergency service providers who have fought the fires and battled through the floods for the people of NSW.

The PSA is not affiliated with any political party within NSW and are very conscious of the fact that our members work for the government of the day. However that also means that our core business, representing those members, is to be in constant discussion, debate and, yes, dispute with the government on a multitude of issues across the breadth and depth of public policy.

At any one time the PSA can be running industrial campaigns for members in numerous Departments, or for all members such as our current campaign to end the government's unfair wages cap – The Public Sector needs a pay rise.

We are in a unique position in that our daily business could become subject to Electoral funding laws during an election period and be subject to the cap on expenditure and acting concert provisions. We feel any law that may place an unfair cap on an Industrial organisation to represent its members may be unconstitutional and is definitely an unfair restriction of our rights.

In relation to the specific terms of reference of the Inquiry, we provide the following comments:

1. Our experience in By-elections has been that it has been difficult to run campaigns around our issues within the existing third party campaign caps. For campaigns that may be expected to run for months or years, we find that any material produced and used during this period becomes subject to an arbitrary and minimalistic cap. A multi million dollar organisation that has an obligation to protect the interests of its members for the long term is placed within a short term, time based requirement to impede its political freedom of speech. Any ads or signage we had prepared for the broader campaign that falls within the geographical or time constraints of the by-election suddenly become held

to a higher standard than is industrially required. Our actions are already regulated by our registration under the Industrial Relations Act of NSW.

2. Trade Unions, whose primary role is to represent the Industrial rights of our members, should not be subject to any cap on their actions during a by-election or indeed, a general state election.
3. The acting in concert provisions should be abolished within NSW. By way of example, the PSA has found in the past that it acts as a break on working together with our fellow affiliated bodies such as the NSW Teachers Federation in representing our joint membership within TAFE NSW. In addition to placing unfair caps on expenditure, it also acts to chill the rights of our paid staff and member representatives in working together within the workplace. The definition of acting in concert contradict our right to collectively organise within NSW workplaces with other workers just because they are represented by another properly registered trade union.

We have attached to this letter a copy of our submission to the previous review of electoral matters held by this committee in August 2019. We note many of the issues we raised in that submission remain relevant to this inquiry.

Please contact [REDACTED] of my office on [REDACTED] or [REDACTED] should you wish to follow up on our submission.

Yours sincerely,



Troy Wright
Assistant General Secretary