

**Submission  
No 2**

## **INQUIRY INTO ELECTORAL FUNDING AMENDMENT BILL 2023**

**Organisation:** PSA (Public Service Association of NSW)

**Date Received:** 29 August 2023

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**Public Service Association of NSW**

**General Secretary** Stewart Little **President** Nicole Jess

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Mr Jeremy Buckingham MLC  
Chair, Portfolio Committee No. 1 - Premier and Finance  
Parliament House  
Macquarie St  
Sydney  
NSW 2000.

28 August 2023.

Dear Mr Buckingham,

### **Inquiry into the Electoral Funding Amendment Bill 2023**

Thank you for the opportunity to submit to this Inquiry.

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.

The PSA is not affiliated with any political party within NSW and are very cognisant of the fact that our members work for the government of the day. However, that also means that our core function, representing those members, is to be in constant discussion, debate and, possibly 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 campaign to end the previous Coalition government's unfair wages cap – 'The Public Sector needs a pay rise'. These campaigns may have been running for many years, such as our attempts to gain permanency for our school support staff. This campaign started long before the election period commenced and will continue long after the last vote was counted. Our planning and budgeting for this campaign does not work on an election cycle yet for a period of roughly six months, actions taken for this campaign suddenly need to be dealt with very differently by our staff.

We are in a unique position in that our daily business becomes subject to electoral funding laws during an election period.

We note the need of the PSA, in concert with our sister unions, to challenge provisions around third party campaigners and acting in concert provisions prior to the past two state elections. The way the *Electoral Funding Act (2018)* interacts with the Registration of Registered Trade Unions in NSW is problematic at best. Public sector unions are unique organisations very separate from registered businesses or charities and social groups.

Fundamentally, there is a problem with legislation that attempts to regulate the day to day actions of registered state based unions, already rightly regulated by the *Industrial Relations Act (1996)* and which have the government of the day, regardless of which party that is, as its employer.

Not only is the current electoral legislation unfairly restrictive of our rights to represent our members, but the requirement and time required to comply with the *Electoral Funding Act (2018)* is restrictive and onerous for an organisation totally funded by members.

We also point to submissions made to a previous Inquiry into limits for third party campaigners as they relate to by-elections. The separate and quite limited budget for a by-election campaign under section 29(11) greatly affects our ability to campaign during that period. The PSA organises around government Agencies and membership classifications and there is an onerous requirement on us to supervise work along electoral boundaries during these periods.

As outlined above, the PSA supports the removal of a cap on the spending of registered state based trade unions during all election periods.

However as that is not the proposal under consideration by this committee at this time, we support the increases proposed in this Bill.

Please do not hesitate to contact Mr Dylan Smith, Manager Industrial Support, on should you wish to follow up on this submission.

Kind regards,

Troy Wright  
Acting General Secretary.