

MEDIA RELEASE

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Unions launch High Court challenge as Government threatens jail for political campaigns

Unions NSW has filed a High Court challenge against new electoral funding laws that could see trade unionists jailed for future campaign activities similar to those they engaged in at the last two state elections.

Under laws passed by the NSW parliament in May, the following activities could be considered illegal:

- Third party campaigners sharing the costs of airing television advertising related to the election.
- Third party campaigners working together on a campaign and publishing their logos on joint campaign material.
- The sharing of research and polling data between third party campaigners

If campaigners 'act in concert' and are unaware of the law they could face two years in jail. If they do so deliberately, they could face up to ten years in jail.

Police are also empowered to enter and search offices and conduct interviews.

The laws also impose a \$500,000 cap on electoral expenditure by third party campaigners in the lead up to an election - down from the current limit of \$1.28 million.

The Unions NSW High Court action will argue the new laws are a breach of the constitutional right to political communication. The application is jointly supported by the NSW Nurses and Midwives Association, Electrical Trades Union, NSW Teachers Federation, United Services Union and Health Services Union.

"Political campaigners get jailed in countries like Zimbabwe, Cambodia or North Korea, and now potentially NSW. This is not hyperbole, this is the modern day reality of NSW politics," said Mark Morey, Secretary of Unions NSW.

"The NSW Liberals have seriously overreached. Under these laws, trade unionists at future state elections could be thrown in jail for the same activities that were perfectly legal at the last two elections.

"I understand politicians are sensitive to criticism. But that's no excuse to jail their opponents. This is an outrageous abuse of power and that's why we are seeking an urgent High Court hearing.

"Working people have always pooled our resources to make sure our voice is heard as we simply don't have the resources of an AMP or a Commonwealth Bank, or a Malcolm Turnbull for that matter.

"But the Liberals want to jail us for campaigning, while at the same time they abuse government advertising to promote themselves on the public's coin."

In 2013, Unions NSW successfully appealed restrictions on political communication in the High Court, which resulted in the government being ordered to pay costs of around \$600,000.

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