



## Unions NSW Submission

Joint Select Committee on Electoral Matters  
Inquiry the 2016 Federal Election

1 November, 2016

Unions NSW  
Trades Hall  
Level 3, 4 Goulburn Street  
Sydney  
T: 02 9881 5999  
F: 02 9261 3505

## Introduction

1. Unions NSW is the peak body for trade unions and union members in New South Wales with over 65 affiliated trade unions and Trades and Labour councils, representing approximately 600,000 workers across New South Wales. Affiliated trade unions cover the spectrum of the workforce.
2. Unions NSW welcomes the opportunity to make a submission to the Inquiry into the 2016 Federal Election. Unions NSW believes systematic review of the electoral process is crucial in upholding the confidence of the community while also ensuring democratic values and rights to political expression are maintained.
3. Unions NSW and affiliated unions participated in the 2016 Federal Elections as a third party campaigner. The campaign, 'Build a Better Future' was coordinated by the Australian Council of Trade Unions and jointly funded by Unions NSW, State Trades and Labour Councils and a number of affiliated unions.

## The Build a Better Future Campaign

4. Unions NSW participated in the 'Build a Better Future' campaign run as a response to policies and legislation implemented by the Liberal National Federal Government in their first term. It also focussed on policies the Liberal National Federal Government planned to implement if re-elected. The campaign was focused on positive changes needed to improve the lives of working people.

The key issues unions campaigned on were:

- Worker's rights and jobs - protecting penalty rates and weekends, ensuring local jobs and industries continue operating;
- Medicare -reinstating funding cuts to hospitals and ensuring health services remain accessible and affordable;

- Education - stopping the introduction of uncapped fees for universities and campaigning for Gonski reforms to be fully funded;
  - Public services - restoring public sector workers to take the strain off public service delivery;
  - A fair go for all - requiring large multinational companies and the top 1% of income earners to contribute their fair share of tax.
5. Union members and community supporters were at the centre of the ‘Build a Better Future’ campaign. The key issues of the campaign reflected the concerns and hopes of union members, their families and communities which were collected through national surveys and thousands of workplace meetings.
6. The ‘Build a Better Future’ campaign saw thousands of union members talk to people in their local community about issues affecting workers. Union members door-knocked, made telephone calls, ran street stalls and attended local rallies. In NSW 2,382 volunteer union members had 8,000 conversations with other union members about the issues at play for workers. On Election Day thousands of union members volunteered to work at election booths handing out ‘how to vote’ cards instructing voters to ‘put the Liberal/Nationals last’.

## **Unions NSW and Electoral Campaigning**

7. Unions exist to represent and advance the interests of working people in NSW through collective action. The majority of this work takes place at a workplace level and through the industrial relations systems. However, the interests of workers are also inextricably linked to the Government of the day and their legislative and policy agendas. The impact of the Government on working people is broad, from access to education and healthcare to wages and conditions.
8. Working people are well aware that not all individuals have the financial, social or political capital to affect change on their own. This is why union members have historically pooled their resources to run campaigns collectively.
9. Unions NSW and affiliated unions take an active role in political debates for the purpose of representing the interests of working people. It is during election periods that candidates and

parties are most accountable to electors, it is therefore appropriate for union members to collectively raise their concerns and campaign during this period. NSW unions have a proud history of actively participating in election campaigning, at a Federal, State and Local level.

## Attack on Third Part Campaigners

10. Unions are member based, democratic organisations and as such are able to mobilise large numbers of activists and members to participate in electoral campaigns. At the 2016 Federal Election unions members were impelled to campaign because they felt strongly about defending access to healthcare and education, protecting working conditions and promoting fairness.
11. Unions NSW believes the successful activation of working people’s participation in the democratic electoral process has prompted a negative reaction from members of political parties, particularly from those with significantly fewer members. Unions NSW believes third party campaigners, whose campaigns focus on issues affecting their members and constituents, play a crucial role in election campaigns. Any move to limit the involvement of third party campaigners would significantly burden their right to political communication.
12. After and during the election campaign, the ‘Build a Better Future’ campaign was attacked by the Liberal and National Parties, who challenged the legitimacy of union members as third party campaigners and questioned their right to express their views through political campaigning.
13. In NSW, the Coalition Government has sought to restrict the role of third party campaigners in election periods, through a series of amendments to the *Election Funding, Expenditure and Disclosure Act*. In 2012 the Coalition Government restricted political donations to only individuals on the electoral role, effectively banning donations from any associations. Unions NSW successfully challenged the legislation in the High Court on the grounds it breached the implied freedom of political communication contained in the *Constitution*.
14. In October 2014 the Coalition Government attempted to place an expenditure cap of \$250,000 on all third party campaigners, which was significantly less than caps placed on political parties. This amendment did not gain the support from the NSW Legislative Council, however it is indicative of the NSW Coalition Government’s continued attack on third party campaigners and their implied freedoms of political expression.

15. Unions NSW believe third party campaigners play a crucial role in the democratic electoral process. Attempts to curtail the ability for workers or other groups of voters to collectively join together and campaign on issues important to them sets a dangerous precedent and could hamper the implied freedom of political communication.

## **Disclosure of donations**

16. Unions NSW supports the introduction of more frequent disclosure periods of political donations received by candidates, parties and third party campaigners and believes the current disclosure requirements undermine transparency in the electoral process.
17. Voters have the right to be informed on the donations received by parties, candidates and third party campaigners before they vote. As such, Unions NSW supports the real time disclosure of donations, ensuring donation details are up-to-date at the time of elections and accurately identify who financed the campaigns of parties, candidates and third party campaigners.
18. The AEC reports donations on 1 February for the previous financial year. The donations made to parties, candidates and third party campaigners in the lead up to the 2016 Federal Election will not be available to the public until over 6 months after the election.
19. Delayed disclosure of political donations is not conducive to a transparent electoral system as it does not provide the opportunity for the public to scrutinise the monetary support base of political parties and candidates, nor the influence which may be attached to these donations.

## **Pre-poll and early voting**

20. Pre-poll, or early voting, plays a crucial role in removing barriers to voting. This is particularly important with the growing number of workers required to work on weekends and unsociable hours who will not have access to a polling booth on Election Day.
21. Pre poll is also crucial for voters with a disability or who care for someone with a disability. In a report produced by the AEC in 2010, pre-poll was recognised as an important element of access

to voting for people with a disability<sup>1</sup>. Unions NSW believes democratic electoral systems have a responsibility to take all possible steps to encourage voting in elections.

22. Unions NSW is concerned suggestions to remove or limit pre-poll are motivated by political parties and campaigners who are more concerned with their ability to staff pre-poll booths than the accessibility of the electoral system for all voters

## Conclusion

23. Third party campaigners play a crucial role in the electoral process, providing voters with an avenue to collectively pool their resources and raise issues important to them. Unions NSW opposes any changes to the *Commonwealth Electoral Act, 1989* which would restrict the ability for third party campaigners to participate in electoral campaigns.
24. Further, the Federal Government should be mindful of implied freedom of political communication for political parties and third party campaigners when considering any changes to the current operation of Federal Elections.

---

<sup>1</sup> <http://annualreport.aec.gov.au/2010/management-and-accountability/providing-access.htm>