

Obviously the Fair Work Ombudsman is pursuing that now. What would the penalty be in a non-election period if someone did that kind of false advertising and did not pay their workers?

For non-payment or under-payment of an employee, an employer could face penalties to a maximum of \$10,800 per contravention for an individual and a maximum of \$54,000 per contravention for a body corporate (Fair Work Act, Sub-section 539(2)).

What specifically about the registration process is problematic for you guys?

The registration process required our official agent to complete training and a test. Unions NSW acknowledges the importance of ensuring official agents are aware of the legislative requirements and organisational obligations under these. However, Unions NSW believes these aims would be better met if the NSW Electoral Commission was able to provide assistance to agents throughout the election period, as opposed to testing agents and being reluctant to provide advice.

Did your affiliated unions who were also registered as third parties—not all affiliated unions but some of them were registered as third parties—have the same problems or was it because of the fact that you are a peak body that the problems arose in the registration?

Unions NSW understands the registration process was similar for all third party campaigners.

Is your position there should be no caps on third party campaigners and no restrictions on third party campaigners entering the field?

Caps on the electoral expenditure of third parties should provide a distinction between the funding of electoral campaigns and the everyday work of third party campaigners. The current legislation's definition of electoral expenditure for third parties is too broad. At its core the role of unions is to represent the industrial interests of union members. Under the current electoral legislation, activities and campaigns unions conduct as part of their established everyday purpose could be interpreted as electoral expenditure, and restricted by electoral expenditure caps. Unions NSW does not believe participation in political campaigns, should come at the cost of organisations having to restrict the way they perform their core business.

Electoral expenditure caps for third parties should remain at \$1.05 million and should not be reduced to \$500,000. There is no evidence the current cap of \$1.05 million has provided third party campaigners with the ability to 'drown out' the voices of political parties during election periods.

Unions NSW is not opposed to the concept of expenditure caps on third party campaigners, as long as expenditure caps specifically exclude a third party campaigners spending on its core and usual activities, and are set at a level that is on par with political parties.

Should the same penalties apply for a breach of the code by third party? If we are talking about deregistering candidates or parties, should the same penalties apply to a third party?

No.

Unions NSW believes if a party or candidate is elected on the basis of deceitful practices and the exploitation of workers, then they are not fit and proper to hold a position in the NSW Parliament. The same risk is not posed by third party campaigners as they are not seeking to be elected to Parliament.

Current penalties available under a range of jurisdictions including the *Electoral Funding, Expenditure and Disclosures Act* are appropriate in deterring and punishing dishonest practices by third party campaigners during electoral campaigns.

The nurses example is a very good one. Gosford Hospital is located very close to Gosford train station. There were instances of people prior to the State election dressed in the nurses' union uniform. I saw those people questioned by nurses wearing NSW Health uniforms who were getting off the train and walking to the hospital. These people had no idea of the industry at all and it was quite evident to the nurses that these people were not nurses. That is why I put it to you. This did not happen just once—it happened on multiple occasions—or on one morning. A number of nurses use that train station every day. I know this for a fact. Also my wife is a nurse. She was with me one day. She quizzed one of the workers in nurses' scrubs and he could not answer the question and was quite evidently not a nurse. That is why I put it to you that that is a very broad statement saying "all volunteers" presented, because when queried they could not answer very basic questions. This one is a gentleman. If you can find out, take it on notice.

The Unions NSW Campaign Coordinator for the 2015 campaign on the Central Coast has confirmed that all volunteers who wore NSW Nurses and Midwives Association scrubs while participating in campaign activities organised by Unions NSW were qualified nurses.

Unions NSW maintains that all volunteers throughout the election who presented themselves as belonging to a particular profession or industry, were in fact from that profession or industry.