CAMPAIGN ADS

Libs face funding chase

NSW ELECTION 2019

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Senior NSW Liberals will step up the party’s fundraising in marginal seats as unions unleash a campaign against the rising cost of living, privatisation and health after being unshackled from a cap on political advertising.

The High Court this week struck down laws that imposed a $500,000 cap on election advertising spending by unions and other third parties in the six months leading up to a state election.

A Liberal Party strategist said the court ruling meant the party had to “up the ante”.

“Our message is very clear to MPs in our key seats – we have to keep fundraising and urging our supporters to get behind us because we are now severely disadvantaged,” the strategist said.

“Most MPs are doing pretty well but we need to keep going and we have been on the phones all morning reminding them of that.”

Another senior Liberal said the ruling “will get the back up of a lot of our supporters and they will want to increase their donations”.

A coalition of six unions led by Unions NSW challenged the legislation that had slashed the amount that third parties could spend on political advertising from Continued Page 6
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$1.28 million to $500,000. The laws also prevented unions and others from pooling their resources to exceed the $500,000 cap and imposed jail terms of up to 10 years for acting in concert.

Unions NSW general secretary Mark Morey said the Liberal Party’s “union busting” electoral laws had had a “chilling effect” on campaign preparation.

“There is pent-up fury among unions about the Liberal Party’s attempt to rig the election,” he said. “You can expect to see vivid, robust campaigns on the rising cost of living, privatisation and the crippling effect of overdevelopment and congestion in NSW communities.”

A Unions NSW source said it was unlikely to exceed the original $1.28 million cap.

NSW Nurses and Midwives’ Association general secretary Brett Holmes said his union would not spend more than $1.28 million but would definitely spend more than $500,000 to campaign to improve the ratio of nurses to patients.

“We won’t go crazy but we want to act in the best interest of our members to get their message heard loud and clear,” he said. “I’m not about to spend the equivalent of the $11 million that political parties have got to spend.”

Maurie Mulheron, who heads the NSW Teachers’ Federation which joined Unions NSW, the Electrical Trades Union, United Services Union and Health Services Union in the High Court challenge, said his union would not exceed the original cap of $1.28 million. Teachers will campaign against the public sector wages cap of 2.5 per cent per year.

Shop, Distributive and Allied Employees’ Association NSW secretary Bernie Smith said his union would campaign to restore penalty rates to give retail and fast food workers the right to time with family and friends on public holidays.

A spokesman for the NSW Business Chamber said its board had not yet met to consider the court decision. The chamber “had committed to expenditure for the state election, but we could potentially see greater spending if there is no cap”.

The NSW Minerals Council gave no indication of how much it would now spend on political advertising.

Constitutional law expert Anne Twomey, of the University of Sydney, said that if the NSW Parliament did not resume and pass a new law before the March election, there would be no cap on spending by third-party campaigners. “If it does legislate, it could restore the old cap … as this would be relatively safe, or enact a lower cap but with express reasoning to justify it,” she said. “After the election, if whoever is in government wishes to pursue the issue, they could hold an inquiry into the appropriate cap level and use the outcome to justify any future legislation imposing a new cap.”

Professor George Williams, who specialises in constitutional law at the University of NSW, said the court decision challenged the accepted wisdom that political parties and candidates should be given more space and more opportunities to have their voice heard.

He said the decision would make it much harder for any future electoral laws to draw a distinction between candidates and parties, and third-party campaigners.

with Nick Bonyhady