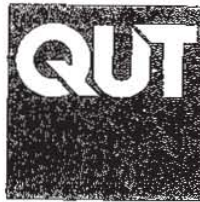


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21 July 1996

Mr N Laurie
The Research Director
Legal, Constitutional and Administrative Review Committee
Parliament House
Brisbane QLD 4000

Dear Neil,

As I have indicated to both yourself and Mrs Gamin, I have not found it possible to research and prepare a detailed submission for your committee's Inquiry at this stage. However, both Professor Charles Sampford (of Griffith University) and myself, who as you know collaborate on these matters of Public Sector Ethics, would be willing at a later stage to make a more detailed submission, or indeed to appear before the Committee to assist its deliberations.

In the meantime, the attached short statement may be of interest. While it does not reflect a systematic attempt to address the 12 questions itemised in your paper, I would want to affirm the Committee's comprehensive approach in identifying those questions.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Noel Preston', with a long, sweeping underline.

Dr Noel Preston

Queensland University of Technology

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Truth on Political Advertising - Brief statement

Dr Noel Preston, School of Humanities, Queensland University of Technology
19 July 1996

1. I favour legislation against false or misleading political advertising while recognising that the practicalities of its implementation are complex. Obviously, the South Australian legislation and process will be instructive in this regard.
2. The over-riding reason for some checks on misleading political advertising resides in the democratic requirement that the public be as fully and truthfully informed as possible on matters which impact on the exercise of their democratic voting obligations. Deliberate or careless misleading of the public through political advertising is therefore unacceptable.
3. It follows from this argument that the more important focus of such legislation and associated measures should be toward mechanisms which correct false advertising or claims, rather than upon penalties or sanctions, though it may be possible and necessary to impose penalties and sanctions. For instance, it may be that courts or the appropriate officer under the legislation have powers to order the publication of correction statements.
4. My fundamental approach to this matter arises from the need to set the question of truth in political advertising within the framework of the wider issue of "truth and honesty in public and political life". These are issues which have been more fully analysed and discussed by the American ethicist, Sissela Bok (e.g. "Lies for the Public Good" in Madsen, P and Shafritz, J (eds.) (1992) *Essentials of Government Ethics*, New York: Meridian). I also enclose a short Courier Mail column written by myself on the question.
5. Because "truth in political advertising" is to be set in this wider ethical context, it will be important, I suspect, for the Committee to collaborate in its deliberations with the Parliamentary Committee on Ethics and Parliamentary Privilege especially in that Committee's task of preparing a Code for members.
6. Furthermore, it is for this reason that I suggest that the Committee recommend that political parties and organisations themselves consider the need to develop Codes of Conduct and associated measures which address the question at hand along with other ethical requirements of good political practice. The point is that your Committee's work on Truth In Political Advertising needs to be seen in the wider context of establishing a regime of measures for ethics and political practices. The legislation you may recommend will be limited in its impact if it stands alone and if these are not complementary ethics proposals.

7. Let me raise one such wider concern, viz; the need for appropriate modesty in political promises at election time. While the truthfulness or otherwise of promises at election time may be beyond the precise judgment of any proposed legislation the issue is not unrelated to your committee's concerns. I refer you to the commentary on the issue by Professor John Warhurst (of ANU), in "Politicians and Citizens: Roles and Responsibilities" (No.27, Catholic Social Justice Series):

Moderns governments often fail to deliver to the expectation of its citizens. Their expectations may often be unreasonable but they have been fuelled by the promises of governments which want to remain in office and oppositions which want to take their place. It is now common for new governments in their first year of office to be faced by allegations of "broken promises". Governments are promising more and delivering less, or so it seems.

.....Politicians can do their part by modifying their rhetoric and keeping their promises realistic. (p.16)

8. Your paper raises the matter of "how-to-vote cards". Certainly, any legislation about misleading political advertising should properly cover the distribution of misleading how-to-vote cards. Effective enactment of such legislation probably requires a system of vetting or authorisation by an independent authority after interested parties have viewed proposed polling booth material.
9. There is another view on this matter to which I strongly incline. It may be far preferable to replace the present system by some orderly display of how-to-vote material in each voting booth and outside each polling place, thus doing away with the current battery of polling booth workers and their assorted materials. If this were done, it would be a straight-forward matter to have these materials checked prior to polling day; it would also be a laudable avoidance of paper wastage.

Truth, lies and deceit: Pinocchio in public life

TESTIFYING before the New South Wales Independent Commission Against Corruption last month, Dr Terry Metherell said: "No doubt during my parliamentary career there have been times when I have lied. Regrettably, it's part of a politician's armour."

Compromise is certainly part of the art of politics but does that include compromising the truth?

When fictional Sir Humphrey judges the facts on Yes Minister, we laugh.

When real-life Minister Ross Kelly tried to convince us she hadn't endorsed that environment kit for schools because she hadn't officially launched it, even though she had written a widely distributed letter of rec-

ommendation, this double-speak seemed less than funny.

Politics apart, is it ever moral to tell a lie? What if a lie might save the life of another?

After all, lying takes many forms, from exaggeration to the boundary between excessive secrecy and legitimate confidentiality.

These matters are relevant to other areas of public life. Police, academic researchers, journalists and other employees frequently face issues of honesty in their work.

The recent conviction of Alan Bond for dishonesty raises the question of truthfulness in business.

The advertising "game" is one obvious example of where presentation can play fast and loose with the truth, as is the failure to give a full disclosure to shareholders of a company's prospects.

Addressing a seminar on "Truth in Business" earlier this year, Dr Michael Dwyer, managing director of K1, acknowledged the temptation for businesses to be dishonest and distort facts, cautioning that under no circumstance should companies give false information.

As for politics, there is a long philosophical tradition endorse-

ing some lying for the public good.

Plato first used the expression "noble lie" for the fanciful story that might be told to persuade people to accept class distinctions and thereby safeguard social harmony.

We know that in war, truth is the first casualty. However, so the argument goes, war is not the only circumstance in which the public interest may require a measure of deception.

Negotiations must be carried on that are best hidden from the public; questions of national security or certain economic decisions, a currency devaluation for example, may require a denial of the fact and a certain

prudence about how the truth should be told.

These may not be the kind of untruths Dr Metherell had in mind.

There is more than a suggestion that public officials sometimes lie simply to save their own skin.

Even if there are justifiable lies in government, engaging in them has its own risks, so they are to be avoided and only committed when it is reasonable to believe that the people would consent to the lie if they knew the facts.

Should citizens accept such secrecy? Do we want to live in a society where public officials can resort to deceit and manipulation whenever they decide

that an exceptional crisis has arisen?

Sissela Bok, author of an ethics classic on this topic, writes "Deceiving the people for the sake of the people is a self-contradictory notion in a democracy, unless it can be shown that there has been genuine consent to deceit."

The so-called "noble lie" in public life, told allegedly for others' good, is a short step from luring the truth to survive politically.

Once we lose our bearings in this way, all the shabby cover-ups of a Watergate become possible.

Yet in a complex and imperfect world we are entitled to ask "What is truth?", as did a psychiatrist Scott Peck charac-

terises the pathology of many of his patients.

If we are unsure about who or what is untruthful, we become distrustful and distrust deepens not only relationships but societies as well.

When groups in a society believe they are being cheated of a fair go, social disintegration is not far off.

Ethics in public life is about much more than honesty. But that is a necessary starting point if public policy is ever to face the uncomfortable truth behind ethical concerns such as the environment and poverty, let alone racism in this nation which, as the recent High Court decision in the Mabo case shows, has been nurtured by the lie of terra nullius.

Political facts are open to interpretation. Maybe what is clear fact to one is unclear to another, but surely promise-keeping, truth in political campaigning and integrity in policy development are reasonable expectations in political exchange.

In the end, knowing the truth is important to the well-being of individuals and communities. According to the Biblical injunction, truth is liberating.

On the one hand, if we get used to deceiving, eventually our personalities crumble. We do not know who we are, and we become "people of the lie," as psychiatrist Scott Peck charac-

11 Nov 1992