

Norman C. Ongley

19th August 1996

The Research Director  
Legal, Constitutional Administrative Review Committee  
Parliament House  
Brisbane Qld. 4000

Dear Sir,

Truth in Political Advertising

The proposed amendment to the Electoral Act 1992 by inserting of Sec. 163A & 2 (into Qld. Act) appears to me to serve the much needed change, to put this matter in a watertight compartment, provided that the defence for the defendant to prove:-

- (a) that he took no part in determining the contents of the advertisement and
- (b) that he could not reasonably be expected to have known that the statement to which the charge relates was inaccurate & misleading (S 113 (2) ) of the Electoral Act 1985 (Sth. Aust) is changed so that it is not a defence, thus putting all persons having to ensure beyond all doubt that electoral material is true and accurate.

The party and/or all persons associated with who are after all the author of political data and pronouncements etc must comply with the sense of "it has to be the truth or pay for the consequences" and that would involve raising the penalties by at least tenfold to emphasise the seriousness of the offence of non compliance & to enforce the terms of the Act.

It is only very recently that we see the raising of penalties is being used to demonstrate the seriousness of offending and the penalties under the Electoral Actss presently seen to indicate that to be guilty under Electoral Acts is regarded as a minor offence.

Nothing must be left that indicates weakness in the demand for truth in political advertising. That must be paramount & that there will be no escape for anyone who contravenes the legislation.

Yours faithfully,

