



Speech by

**GARY FENLON**

**MEMBER FOR GREENSLOPES**

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Hansard 9 September 2003

#### **DRAFT CODE OF CONDUCT FOR ELECTION CANDIDATES**

**Mr FENLON** (Greenslopes—ALP) (6.40 p.m.): I rise to support the motion moved by the Premier. It must be said that ethical standards are axiomatic in the political process in general. However, the articulation and codification of these standards is a very problematic exercise. It is an exercise that warrants consideration of those standards against the fundamental requirements of our constitution and indeed our role as members of parliament itself.

Our role is set among many practices and procedures, many unwritten and some written and some codified by law. However, I think it is fundamental to look at the role of members of parliament. I suppose this relates implicitly to our role as candidates. Fundamentally, it is enshrined in the constitution, and we cannot underestimate how broad that is. Our constitution talks about the powers of this House as being to create laws in the interests of peace, welfare and good government. That is a very broad charter. Indeed, there are some in the community who would try to suggest that this charter in some way could be narrowed in terms of who we should represent. I believe that when I stand in this place I have a constituency right across Queensland as well as my specific constituency who vote for me. I believe that is a fundamental entitlement that I have but I also believe that it is mandated under the constitution that establishes this parliament.

The role of the parliament is that of a people's House. People come here from all walks of life. They come here with all levels of education, expertise and backgrounds. There is a need to find balance in the codification of standards, such that these assume a certain level of education, intelligence and ability as a fundamental versus the need to establish standards and maintain public confidence and provide guidance. We must keep this in mind in any codification of ethical standards. The definition in this motion of 'candidate' is well drafted in the sense that it is all encompassing and includes Independents and those who go out into the community and start playing in the political process long before they are formally recognised as candidates. This leaves potential for a lot of grey area, but commonsense must be the balancing and guiding factor.

The code also binds candidates only in that in its drafting there is a diversity of campaigns, campaign workers, et cetera, and there is some need for tolerance there. Often the people who volunteer to work on campaigns come from all sorts of backgrounds, and campaigns can be very unwieldy freewheeling processes and it is often very hard for a candidate to even directly know who might be involved at a grassroots level working on information stalls or whatever. Obviously, there has to be some fundamental tolerance there.

Parts (a) and (b) of the motion refer to honest representations. This is something that obviously needs to be again balanced in terms of the knowledge of the person at the time and making claims. Part (c) of the motion refers to the making of statements about an opponent's personal affairs. This could indeed be seen as broader still in terms of statements other than direct statements—in various written forms or other instruments—that could be meant to mislead a campaign. Such statements might not just come from opponents; they could come from all sorts of people. Obviously, they would not come from somebody within one's own party, but they can come from other people in the community.

It is also very important to include the Crime and Misconduct Commission in this. Prior to the drafting of this motion there have been recent requirements to compel candidates to avoid making mischievous complaints to the Crime and Misconduct Commission. This is a very important proposal, because the Crime and Misconduct Commission has very wide-ranging powers. The sheer prospect of even the implied spectre of a Crime Commission investigation can itself lead to negative perceptions of a candidate. It is important that this not be misused in any way.

I turn to the last paragraph of the motion, which I think is very important. This is the paragraph that perhaps is the closest thing to enforcing the code. This is perhaps the most perilous area of this motion in that it suggests the prospect of risking disfavour in the electorate because a candidate has not followed the code. I wish to caution the House in terms of the prospect that the code itself might become an instrument of combative exchange for political advantage. People might be out there suggesting that a candidate is not a candidate or has not behaved properly simply because they have not complied with the code and the code itself and its wording becomes the subject of political discourse. Once we have entered into this sort of wording, that is a real possibility. I believe this is something that candidates need to avoid very carefully in terms of trying to observe the intent of this motion and complying with it.

In conclusion, it should be clearly pointed out that the electorate is not stupid. The electorate is increasingly intelligent and discerning and is able to see the candidates foibles. The best ethical standard we can adopt is simply to be positive about our policies, present our policies positively in the electorate and let the electorate make its own decision. People who go out on the basis of being negative are at a disadvantage already, and there are other better ethical standards that we can talk about generally in terms of the need to be positive in the electorate and positive in our campaigns.